



23 June 2009

To: Mr. Frank La Rue
Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva

From: European Centre for Law and Justice (ECLJ)
Nathanael Bennett
Grégor Puppink

Urgent Request Regarding Human Rights Abuses in Iran

Dear Special Rapporteur La Rue:

The European Centre for Law and Justice (ECLJ) is deeply concerned by unlawful actions taken by the Iranian government in connection with the recent election. We urge you to take strong, prompt action regarding Iran's abuse of fundamental human rights in violation of international law.¹

The ECLJ is an international law firm dedicated to protecting human rights and religious freedom in Europe and worldwide. Attorneys for the ECLJ have served as counsel in numerous cases before the European Court of Human Rights. Additionally, the ECLJ has special Consultative Status with ECOSOC of the United Nations.

Recent Events

The Iranian government has engaged in widespread, systematic violations of international human rights law in connection with the recent election.² The election has sparked the largest

¹ The American Center for Law and Justice (ACLJ) also shares the views expressed in this document.

² Disregard for the freedom of opinion and expression has long been a problem in Iran. See, e.g., Special Rapporteur on the right to freedom of opinion and expression Ambeyi Ligabo, *Civil and Political Rights, Including the Question*

protests in Iran since the 1979 anti-Shah revolution, resulting in at least seventeen deaths and hundreds of arbitrary detentions.³ Thousands of protesters took the streets after the reformist candidate, Mir Hossein Mousavi, called for his supporters to protest the allegedly fraudulent election. These protesters have been met with “excessive force by the police and security forces,”⁴ resulting in a blatant violation of their freedom of expression and assembly.

According to published reports, President Mahmoud Ahmadinejad received 63% of the vote, against 33.7% for Mousavi.⁵ Mousavi has lodged a formal protest with the Guardian Council—the highest electoral authority consisting of twelve members—alleging vote-rigging.⁶ The Guardian Council acknowledged that there were “voting irregularities in 50 electoral districts”—the number of ballots cast in those districts exceeded the number of eligible voters, and some voters were allowed to cast their ballot in areas other than those where they lived—but the Council claimed that those irregularities did not affect the outcome.⁷ As protests continued throughout the week, Supreme Leader Ayatollah Ali Khamenei banned all protests and blamed the protest leaders for the conflict with the police.⁸

The peaceful protesters have faced violence from the police and the Revolutionary Guards’ Quds Force—a group designated as a terrorist organization by the United States in October 2007—who fire bullets into the air and throw tear gas into the crowds.⁹ At least 457 people have been arrested for peacefully expressing their opinions, and more than 100 peaceful protesters and bystanders have been injured by the police and security forces.¹⁰ On June 19 alone, at least 10 people were killed, including a young woman whose death was captured on film after she stepped out of her car.¹¹ Eyewitnesses say that she “appeared to have been targeted deliberately by paramilitaries in civilian clothing.”¹² Amnesty International (AI) declared that these deaths “must be urgently investigated by an impartial body.”¹³

of Freedom of Expression: Addendum – Mission to the Islamic Republic of Iran, E/CN.4/2004/62/Add.2, 12 Jan. 2004, available at <http://www2.ohchr.org/english/issues/opinion/visits.htm>.

³ *Iranian Police Attack Hundreds of Opposition Protesters*, FOX NEWS, June 22, 2009, <http://www.foxnews.com/story/0,2933,528063,00.html>.

⁴ Amnesty Int’l, *Arrests and Killings Rise as Election Protests Grip Iran*, June 17, 2009, <http://www.amnesty.org/en/news-and-updates/news/arrests-and-killings-rise-election-protests-grip-iran-20090617>.

⁵ *Ahmadinejad Wins Disputed Iran Vote*, DAILY TIMES, June 14, 2009, available at http://www.dailytimes.com.pk/default.asp?page=2009\06\14\story_14-6-2009_pg7_5.

⁶ *Khameni Orders Probe Into Iranian Presidential Vote*, DAILY TIMES, June 16, 2009, available at http://www.dailytimes.com.pk/default.asp?page=2009\06\16\story_16-6-2009_pg20_1.

⁷ *Iranian Police*, *supra* note 3.

⁸ Amnesty Int’l, *Iran’s Supreme Leader Condones Violent Police Crackdown on Protesters*, June 19, 2009, <http://www.amnesty.org/en/news-and-updates/news/iran-supreme-leader-condones-violent-police-crackdown-on-protesters-20090619>.

⁹ *Iran Revolutionary Guards Say They’ll Crush Protests*, BLOOMBERG NEWS, June 22, 2009, <http://www.bloomberg.com/apps/news?pid=20601087&sid=aTMTGmuuvvDkM>.

¹⁰ *Id.*

¹¹ *Police Break Up New Tehran Rally*, BBC NEWS, June 22, 2009, http://news.bbc.co.uk/2/hi/middle_east/8112812.stm.

¹² *Id.*

¹³ Amnesty Int’l, *Iranian Authorities Must Respect and Nurture Debate*, June 18, 2009, <http://www.amnesty.org/en/news-and-updates/news/iranian-authorities-must-respect-and-nurture-debate-20090618>.

The Iranian police and security forces have specifically targeted political leaders, journalists, and students in order to quell the protests.¹⁴ University student protesters have been beaten and at least 100 students have been detained by “armed paramilitaries and plain-clothed officials.”¹⁵ In Tabriz, 17 political activists, many of whom are connected with the Iran Freedom Movement, were detained and taken to “unspecified locations.”¹⁶

The Iranian government has sought to stifle the protests—and cover up its abuse of human rights—by cutting off the free exchange of information. On June 16, Iranian authorities banned all foreign journalists from leaving their offices to film and report on street protests.¹⁷ According to Reporters Without Borders, 23 local journalists and bloggers have been arrested since June 15.¹⁸ Iranian authorities have blocked satellite transmissions, internet access, cut phone lines, and closed other telecommunications such as SMS text messaging.¹⁹

Arbitrary detentions of members of disfavored political organizations started before the election in May 2009. For instance, on May 27, the authorities detained Emad Bahavar of the Iran Freedom Movement while he was campaigning for Mousavi.²⁰ On April 19, the Iranian authorities detained Mehdi Mo’tamedi Mehr, a member of the Committee to Defend Free, Healthy, and Fair Elections.²¹ The Government also arbitrarily detained and harassed religious and ethnic minorities, women, students, and members of trade unions.²²

The international community has widely condemned Iran’s actions. You and other United Nations officials have rightly expressed concern over Iran’s use of censorship, excessive force, and arbitrary arrests against the peaceful protesters.²³ Many European governments have complained about the illegal detentions and deaths of the protesters.²⁴ The President and State Department of the United States have also called on Iran to allow protesters to express their fundamental right to freely express their opinions without fear of violence or arbitrary arrest.²⁵

¹⁴ *Arrests and Killings Rise*, *supra* note 4.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Iran Rules Out Election Annulment Despite Protests*, DAILY TIMES, June 17, 2009, available at http://www.dailytimes.com.pk/default.asp?page=2009\06\18\story_18-6-2009_pg20_1.

¹⁸ *West ‘seeks Iran disintegration’*, BBC NEWS, June 22, 2009, http://news.bbc.co.uk/2/hi/middle_east/8112036.stm.

¹⁹ *Iranian Authorities Must Respect And Nurture Debate*, *supra* note 13.

²⁰ Amnesty Int’l, *Iran’s Presidential Election Amid Unrest And Ongoing Human Rights Violations*, June 5, 2009, <http://www.amnesty.org/en/news-and-updates/news/iran-presidential-election-amid-unrest-and-ongoing-human-rights-violations-20090605>.

²¹ *Id.*

²² *Id.*

²³ *Iran: UN Rights Chief Concerned Over Arrests, Excessive Force Following Polls*, UN NEWS SERVICE, June 19, 2009, available at <http://www.un.org/apps/news/story.asp?NewsID=31196&Cr=iran&Cr1=>.

²⁴ *Khamenei Orders Probe*, *supra* note 6.

²⁵ Press Briefing, The White House, *Statement From the President on Iran*, June 20, 2009, available at http://www.whitehouse.gov/the_press_office/Statement-from-the-President-on-Iran/; Press Briefing, U.S. Dept. of State, Secretary for Public Diplomacy & Public Affairs, June 19, 2009, available at <http://www.state.gov/r/pa/prs/dpb/2009/125176.htm>.

Iran Has Violated International Law

Contrary to Iran's claims,²⁶ it is not anti-democratic for the global community to insist that Iran allow the protestors to peaceably assemble and express their opinions. Iran has wantonly violated the internationally recognized standards for human rights set forth by the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), which Iran unequivocally and voluntarily ratified.²⁷ Iran has also violated numerous provisions of its own constitution that protect human rights and prohibit arbitrary arrests.²⁸

International law protects the civil rights, political rights, and basic human rights of individuals regardless of their political opinion.²⁹ The ICCPR protects the right to "self-determination"³⁰ along with the right to vote, "guaranteeing the free expression of the will of the electors."³¹ The Iranian government must ensure fair elections and protect the integrity of the voting process to maintain credibility as a governing authority. According to the UDHR, "the will of the people shall be the basis of the authority of government . . . expressed in periodic and genuine elections."³²

Iran's abuse and censorship of the protesters violates Article 19 of the UDHR which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."³³ Iran has also violated Article 19 of the ICCPR which states:

1. Everyone shall have the right to hold opinions without interference.
 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
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The use of force to intimidate the public and stifle peaceful demonstrations is an affront to basic human rights. Both the ICCPR and the UDHR articulate that individuals have "the

²⁶ West 'Seeks Iran Disintegration', *supra* note 18; see also Reuters, *Russia says Iran's election an "internal affair"*, June 22, 2009, <http://www.reuters.com/article/gc08/idUSTRE55L4PG20090622>.

²⁷ International Covenant on Civil and Political Rights, *adopted* Dec. 16, 1966, G.A. Res. 2200A (XXI), art. 19(1)-(2), U.N. Doc. A/6316 (*entered into force* Mar. 23, 1976) [hereinafter "ICCPR"]; Universal Declaration of Human Rights, G.A. Res. 217A, art. 19, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc A/810 (Dec. 12, 1948) [hereinafter "UDHR"].

²⁸ See, e.g., CONST. OF THE ISLAMIC REPUBLIC OF IRAN, ch. III, arts. 19-23, 32.

²⁹ ICCPR art. 2(1); UDHR art. 2.

³⁰ ICCPR art. 1(1).

³¹ ICCPR art. 25.

³² UDHR art. 21(3).

³³ UDHR art. 19.

³⁴ ICCPR art 19.

freedom to seek, receive, and impart information and ideas.”³⁵ In addition, the right to peaceful assembly and freedom of association are protected by Article 20 of the UDHR, which states that “[e]veryone has the right to freedom of peaceful assembly and association,” as well as Articles 21 and 22 of the ICCPR.³⁶ These provisions protect the right of the people of Iran to organize, congregate, and peacefully protest in the streets without threat of repercussion by authorities.

In addition, Iran’s attempt to hide its abuse of human rights from the international community by blocking journalistic activity and prohibiting foreign press from observing and reporting on events within the country violates international law. Article 17 of the ICCPR and Article 12 of the UDHR outlaw arbitrary interference with correspondence of individuals.³⁷ With no regard for these provisions, Iran has blocked satellite transmissions, internet access, telephone communications, and other forms of communicating and reporting.

Iran has also arbitrarily detained journalists, bloggers, demonstrators, and peaceful protesters in violation of international law.³⁸ An Iranian prosecutor has even threatened to seek the death penalty for leaders responsible for the protests, blaming them for police violence.³⁹ The UDHR and ICCPR protect individuals from any arbitrary deprivation of liberty, security of person, or life.⁴⁰ It is unacceptable for peaceful protesters and journalists to be detained, attacked, or threatened by the state, or to be deprived of protection by the state from similar actions by other factions. Moreover, Iran cannot penalize individuals without the proper due process of law, including the presumption of innocence⁴¹ and a hearing before an independent and impartial tribunal.⁴²

Conclusion

We urge you to take all actions within your authority to pressure Iran to comply with international human rights law. Thank you for your invaluable work to promote fundamental human rights and your attention to the abuse of human rights by the Iranian government.

Sincerely,

European Centre for Law and Justice

³⁵ ICCPR art. 19(2); UDHR art. 19.

³⁶ ICCPR art. 21(1), 22(1); UDHR art. 20(1).

³⁷ ICCPR art. 17(2); UDHR art. 12.

³⁸ ICCPR art. 9(1)-(2); UDHR art. 9.

³⁹ *Iran prosecutor warns of death penalty for violence*, DAILY TIMES, June 18, 2009, available at http://www.dailytimes.com.pk/default.asp?page=2009\06\18\story_18-6-2009_pg20_2.

⁴⁰ ICCPR art. 6.1, 9.1.; UDHR art. 3.

⁴¹ UDHR art. 11(1).

⁴² UDHR art. 10.