



High Council for Human Rights of  
the Islamic Republic of Iran

# Investigating the Performance of Special Rapporteur on Iran According to the Indicators of the Code of Conduct for Special Procedures Mandate Holders



**The High Council for Human Rights  
of The Islamic Republic of Iran**

**(11 March 2023)**

**In the Name of GOD**

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## Introduction

The appointment of the Special Rapporteur on the so-called Situation of Human Rights in the Islamic Republic of Iran was not based upon and in line with human rights goals. It was, instead, guided solely subordinate to the political objectives of a limited number of countries in the Human Rights Council. A detailed examination of the performance and reports of special rapporteurs since 2011 shows that their so-called assessments, which are mainly based on false information, do not reflect the realities of human rights in the Islamic Republic of Iran; they rely on unofficial sources whose authenticity is surrounded by severe doubts. This seriously undermines the validity and credibility of human rights reports. The special rapporteurs have turned a blind eye to the advancements made in the Islamic Republic of Iran, and have always sought to paint an incomplete and inaccurate picture of the human rights situation in the Country. On the other hand, the special rapporteurs mostly have the citizenship of the same country (United Kingdom) which sponsors the resolution to extend the mandate thereof – a conflict of interest that per se shall be condemned and rejected.

Considering that the current Special Rapporteur on the so-called Situation of Human Rights in the Islamic Republic of Iran has repeatedly violated the UN-approved Code of Conduct for Special Procedures Mandate-Holders, it is fair enough to say that politically-motivated approaches based on double standards seriously damage the credibility and position of UN-affiliated human rights institutions, and exacerbate a climate of profound distrust among countries regarding the efficiency and effectiveness of such institutions in promoting human rights in other countries.

On the strength of the Human Rights Council resolution 5/2 of 18 June 2007, the special procedures mandate-holders, all of whom are independent UN experts, shall consider the following when discharging their duties:

- Act in an independent capacity, and exercise their functions in accordance with their mandate, through a professional, impartial assessment of facts based on internationally recognized human rights standards, and free from any kind of extraneous influence, incitement, pressure, threat or interference, either direct or indirect;
- Keep in mind the mandate of the Council which is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, through dialogue and cooperation;
- Focus exclusively on the implementation of their mandate, constantly keeping in mind the fundamental obligations of truthfulness, loyalty and independence pertaining to their mandate;
- Uphold the highest standards of efficiency, competence and integrity, meaning, in particular, though not exclusively, probity, impartiality, equity, honesty and good faith;
- Neither seek nor accept instructions from any Government, individual, governmental or non-governmental organization or pressure groups whatsoever;
- Be aware of the importance of their duties and responsibilities, taking the particular nature of their mandate into consideration and behaving in such a way as to maintain and reinforce the trust they enjoy of all stakeholders;
- Refrain from using their office or knowledge gained from their functions for private gain, financial or otherwise, or for the gain and/or detriment of any family member, close associate, or third party; and
- Not accept any honor, decoration, favor, gift or remuneration from any governmental or non-governmental source for activities carried out in pursuit of his/her mandate.

The present report proves that the Special Rapporteur on the so-called Situation of Human Rights in the Islamic Republic of Iran has violated all the aforesaid obligations.

## **First Obligation: Impartiality, Professionalism & Full Independence in Compiling & Presenting Reports**

### **According to article 5 of Code of Conduct:**

Prior to assuming their functions, mandate-holders shall make the following solemn declaration in writing:

“I solemnly declare that I shall perform my duties and exercise my functions from a completely impartial, loyal and conscientious standpoint, and truthfully, and that I shall discharge these functions and regulate my conduct in a manner totally in keeping with the terms of my mandate, the Charter of the United Nations, the interests of the United Nations, and with the objective of promoting and protecting human rights, without seeking or accepting any instruction from any other party whatsoever.”

### **According to Article 6 of the Code of Conduct:**

Without prejudice to prerogatives for which provision is made as part of their mandate, the mandate-holders shall:

- Always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible;
- Take into account in a comprehensive and timely manner, in particular information provided by the State concerned on situations relevant to their mandate; and
- Evaluate all information in the light of internationally recognized human rights standards relevant to their mandate, and of international conventions to which the State concerned is a party.

### **Pursuant to Article 12 of the Code of Conduct, the mandate-holders shall:**

- Bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their

mission, and base their conclusions and recommendations on objective assessments of human rights situations; and

- In implementing their mandate, therefore, show restraint, moderation and discretion so as not to undermine the recognition of the independent nature of their mandate or the environment necessary to properly discharge the said mandate.

### **Some Violations Committed by Special Rapporteur:**

1. From a logical point of view, a “report on the situation of human rights” shall reflect the positive and negative aspects, and touch upon the measures implemented to promote and protect human rights along with allegations of human rights violations. Unfortunately, in the reports related to the Islamic Republic of Iran, regardless of the truth or falsity of the claims and accusations, there is no place for targeted efforts and measures implemented by the Government to improve the human rights situation in the Islamic Republic of Iran. The special rapporteur’s modus operandi is aimed at naming and shaming (a rejected practice) by focusing on unproven claims and accusations. The special rapporteur deliberately ignores the impartial review of the situation of human rights in the Islamic Republic of Iran, which in turn can help resolve the challenges. Such a procedure cannot, absque dubio, win the trust of any country. According to the available documents, in addition to various developments in the field of economic, social, cultural, political, and civil rights, and notwithstanding the cruel unilateral coercive measures, the Islamic Republic of Iran has managed to make very good progress in the field of reforming criminal laws as well as regulations related to drug penalties. Even during the COVID-19 pandemic, it has taken effective and serious measures to support prisoners. Unfortunately, such advancements have no place in the special rapporteur’s reports.

2. The Islamic Republic of Iran enjoys the richness of Islamic-Iranian thinking in human rights. Despite calling himself a Muslim, the special rapporteur does not have a proper understanding of the true Islamic teachings and is, therefore, not in a position to comment on Islamic rules. This lack of knowledge, on the one hand, and his lack of true belief in religious teachings, on the other, along with the political nature of the mandate assigned thereto, has caused the special rapporteur to sometimes take an insulting approach while rejecting criminal laws in Islamic law.

3. Assuming the claims raised by some opponents to be valid has caused the issues that have already been answered or the cases that have already been closed for several years to reemerge in the special rapporteur's reports, by which he levels a plethora of accusations against the Islamic Republic of Iran. In fact, the reports prepared by the special rapporteur are replete with repetitive topics to make them bulky as possible.

4. The special rapporteur is solely focused on protecting offenders, criminals, and terrorists. He, unfortunately, has deliberately shut his eyes to the real victims of human rights violations as a result of the United States' cruel and illegal unilateral coercive measures, the use of chemical weapons against the people of Iran, the terrorist attacks that have martyred over 17,000 innocent Iranian people, and also the violations of the rights of Iranians abroad.

5. Without any investigations and verification, every small case becomes a human rights subject by the special rapporteur. This is despite the fact that his reports do not mention the assassination of the greatest hero of the fight against terrorism, Lieutenant General Martyr Qassem Soleimani which – according to the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions– was described as a violation of the main principles of international law. The special rapporteur has remained silent about critical human rights events in 2020, such as the assassination of Mohsen Fakhrazadeh, a prominent

Iranian defense and nuclear scientist active in the fight against the coronavirus, who had provided numerous humanitarian services to the Iranian people. Although the responsibility of the special rapporteur reflects cases of human rights violations against the people of Iran, the special rapporteur has remained tightlipped about the August 2020 criminal attack on the Iranian passenger plane by the Zionist regime's warplanes, as a result of which those on board suffered severe fear and panic, and some of them were also wounded and seriously injured (severed spinal cord). It is sadly surprising that the special rapporteur has even refrained from mentioning the massacre of women, children, and innocent people by the al-Ahwazi Takfiri terrorists who launched a terrorist attack in Ahvaz on 22 September 2018, during which 24 innocent people, including a child, were martyred and 68 others sustained injuries. Having completely thrown his weight behind offenders and criminals in his reports, the special rapporteur has simply turned a deaf ear to the 22 October terrorist attack in the Holy Shrine of ShahCheragh (PBUH) in Shiraz, which left 15 innocent civilians martyred and more than 40 others injured.

6. Conducting interviews, issuing successive statements to score political objectives, and launching a politically-motivated propaganda campaign against the Islamic Republic of Iran are all against the duties assigned to the special procedures mandate-holders. The special rapporteur in question does not have a comprehensive understanding of the laws, implementation thereof, and the performance of judicial and legal institutions and structures in the Islamic Republic of Iran. His reports and opinions do not meet the minimum independence, impartiality, and justice standards. Being involved in and the vie for media activities cast grave doubts on the special rapporteur's competence.

7. The move by the special rapporteur to deliver a speech against the Islamic Republic of Iran during a meeting held by the sponsor – a country that itself is a major violator of human rights



and the rights of indigenous peoples – of a UNGA human rights resolution against Iran, was initiated to stimulate and persuade other countries to vote in favor of the said resolution, interact and meet with terrorist groups in different countries and support them, defend offenders, criminals and violators of the rights of the Iranian people who commit illegal acts under the guise of political, cultural and human rights activists, and protest their trial and punishment, are in complete contradiction with his mission and the set of rules governing the work of the special rapporteurs. Such measures serve no purpose other than to validate the illegal actions perpetrated by the criminals, and to embolden them to press ahead with their heinous crimes against the citizens of the Islamic Republic of Iran and violate the rights of the Iranian nation.

8. The procedure taken by the special rapporteur bears witness to the fact that he has no desire to investigate the facts of the issues and use the opinions of the Government. Therefore, he only adopts unrealistic positions in the absence of any professional and unbiased investigations and in an entirely hasty manner.

9. In his reports, the special rapporteur deals extensively and illegally with certain individuals with dual citizenship who have been arrested for or convicted of a crime. This is despite the fact that out of several million Iranians living abroad, very few are in detention for committing criminal acts, and NOT for holding dual citizenship. Dual citizenship is not considered an advantage for criminals, and the special rapporteur's emphasis on their situation is regarded as a form of discrimination and weakening of judicial justice. This comes as the foregoing person still refuses to mention the fate of more than 4,000 Iranians imprisoned in different countries, some of whom have been arrested, incarcerated, and prosecuted simply on the charge of evading illegal sanctions.

## **Second Obligation: Reference, Source & Report Preparation Methodology**

### **As per Article 8 of the Code of Conduct:**

In their information-gathering activities the mandate-holders shall:

- Be guided by the principles of discretion, transparency, impartiality, and even-handedness;
- Rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are called upon to draw up; and
- Give representatives of the concerned State the opportunity of commenting on mandate-holders' assessment and of responding to the allegations made against this State, and annex the State's written summary responses to their reports.

### **On the strength of Article 9 of the Code of Conduct:**

With a view to achieving effectiveness and harmonization in the handling of letters of allegation by special procedures, mandate-holders shall assess their conformity with reference to the following criteria:

- The communication should not be manifestly unfounded or politically motivated;
- The communication should contain a factual description of the alleged violations of human rights;
- The language in the communication should not be abusive;
- The communication should be submitted by a person or a group of persons claiming to be victim of violations or by any person or group of persons, including non-governmental organizations, acting in good faith in accordance with

principles of human rights, and free from politically motivated stands or contrary to, the provisions of the Charter of the United Nations, and claiming to have direct or reliable knowledge of those violations substantiated by clear information; and

- The communication should not be exclusively based on reports disseminated by mass media.

**Pursuant to Article 13 of the Code of Conduct, mandate-holders shall:**

- While expressing their considered views, particularly in their public statements concerning allegations of human rights violations, also indicate fairly what responses were given by the concerned State;
- While reporting on a concerned State, ensure that their declarations on the human rights situation in the country are at all times compatible with their mandate and the integrity, independence and impartiality which their status requires, and which is likely to promote a constructive dialogue among stakeholders, as well as cooperation for the promotion and protection of human rights; and
- Ensure that the concerned government authorities are the first recipients of their conclusions and recommendations concerning this State and are given adequate time to respond, and that likewise the Council is the first recipient of conclusions and recommendations addressed to this body.

**Some Violations Committed by Special Rapporteur:**

1. Unfortunately, the special rapporteur relies on sources such as those of the terrorists (especially the notorious Munafiqeen terrorist organization), websites based outside Iran, and opponents of the Iranian nation who have been abroad for

decades. This contradicts Article 6 of A/HRC/RES/5/2, stipulating that the mandate-holders shall: “Always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources.”

2. Other sources of the special rapporteur are the false claims made by families and lawyers of inmates serving their sentences in prison but presenting themselves as human rights defenders or political prisoners. After serving their sentences and even being pardoned, with the support of opposition groups, some criminals in Iran deny the crimes they have committed and claim they were subjected to forced confessions while under physical and mental torture. In order to save face and whitewash their crimes, they deny their accusations. Such cases are surprisingly raised as human rights violations in the special rapporteur’s report.

3. The special rapporteur regards the media as a source of reporting. On average, only 10% of the information sources mentioned in the reports are from Iran’s domestic media. The rest come from hostile foreign media or Persian-language anti-Iranian outlets, which are primarily involved in spreading fake news and false reports. This is enough to thoroughly question the credibility of such reports, which indeed cannot provide an authentic, fair, and impartial evaluation of the facts on the ground regarding the situation of human rights in the Islamic Republic of Iran.

4. Despite a very tight deadline of 5 or 8 days given to the Government, the Islamic Republic of Iran has always presented its comments and opinions on the draft reports of the special rapporteur. On the strength of Paragraph (d) of Article 8 and Paragraph (c) of Article 13 of A/HRC/5/2, the mandate-holders shall give representatives of the concerned State the opportunity of commenting on mandate-holders’ assessment and of responding to the allegations made against this State, and annex the State’s written summary responses to their reports. Given inadequate time to respond to all allegations, this process usually results in a report

being finalized without detailed investigations and verification of dozens of claims and accusations. However, Iran's policy appears to have backfired, as the special rapporteur has deliberately focused on a series of unsubstantiated and untrue claims instead of cherishing credible sources and diplomatic channels to obtain reliable information. The foregoing person's utter disregard for the comments submitted by the Islamic Republic of Iran on his reports and refusal to rectify the flaws therein, as well as failure to annex Iran's comments thereto, run contrary to the provisions contained in the annex to Council Resolution 5/2 and are deemed as systematically wrong and unprofessional action.

### **Third Obligation: Conflict of Interest in Appointment of Special Rapporteur**

On the strength of A/HRC/5/1, the following general criteria will be of paramount importance while nominating, selecting, and appointing mandate-holders:

- The following entities may nominate candidates as special procedures mandate-holders: Governments, regional groups operating within the United Nations human rights system, international organizations or their offices, non-governmental organizations, or other human rights bodies;
- The Human Rights Council would establish a consultative group to review a list of candidates for the mandates in question;
- The consultative group proposes the final list of candidates for each of the mentioned positions to the President of the Human Rights Council. Resolution 16/21 approved in 2011 by the Human Rights Council further strengthened and emphasized the issue of greater transparency in selecting and appointing special rapporteurs. Moreover, national human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), may introduce their candidates for the mandates in question. The aforementioned candidates must apply for each position they wish to choose;
- Candidates whose names are shortlisted by the consultative group are subsequently interviewed;
- Following extensive consultation with the heads of geographical and political groups, the President of the Council appoints one person as a special rapporteur from among the individuals whose names are shortlisted. Then, the nominated person shall be approved by the Human Rights Council;
- The following general criteria will be of paramount importance while nominating, selecting, and appointing

mandate-holders: expertise, experience in the field of the mandate, independence, impartiality, personal integrity, and objectivity. Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded.

### **Some Violations Committed by Special Rapporteur:**

1. The 1979 Islamic Revolution in Iran was indeed a human rights revolution, after which the political system changed from a dictatorship to a democratic Government based on people's right to self-determination. Promoting and protecting human rights have a significant role in the policies, planning, and measures of the Islamic Republic of Iran, which has achieved remarkable progress in various fields. While the rights of the Iranian people have been repeatedly violated since 1979, especially as a result of cruel sanctions and terrorist attacks, and at the same time, considering the suffering of the international community from injustices, aggression, occupation, and killing of innocent people in light of the deafening silence of the so-called champions of human rights, the appointment of a special rapporteur for the Islamic Republic of Iran is wholly unjustified and a politically motivated scheme.

2. The appointment of a special rapporteur for the Islamic Republic of Iran and the tabling of a resolution to extend his mandate every year do not reflect the genuine concerns of the international community; such schemes are clearly in line with the political and short-sighted interests of certain countries who claim to be defending human rights. The international community is experiencing the most extreme examples of politicization and instrumentalization of human rights mechanisms – a process that, day by day, has reduced the credibility of such mechanisms, especially the Human Rights Council, and disappointed the actual human rights defenders and activists. The low number of votes in

favor of the resolution to extend the special rapporteur's mandate is emblematic of the States' dissatisfaction with the politicization of human rights. The combination of votes on the resolution extending the special rapporteur's mandate since the beginning of his mandate in 2018 proves that the legitimacy and acceptability of the country-specific mechanism against the Islamic Republic of Iran and the credibility of the special rapporteur have significantly been reduced. The negative votes have increased from 7 to 12 over the last four years, and the positive votes have decreased from 21 to 19. Furthermore, the number of countries choosing to abstain also increased from 14 to 16 in 2022 compared to the previous year.

3. It is also surprising that certain individuals with apparent social and political affiliations with the sponsor or co-sponsor of the resolution to extend the special rapporteur's mandate have been appointed as the special rapporteur on the situation of human rights in the Islamic Republic of Iran. For further explanation, Javaid Rehman has British-Pakistani citizenship, completed his education at British universities<sup>1</sup>, and is currently a lecturer at Brunel University London. Moreover, Ahmed Shaheed, the former Special Rapporteur on the so-called Situation of Human Rights in the Islamic Republic of Iran, who had studied in England<sup>2</sup>, was invited to work as a lecturer at the University of Essex one year after he was appointed as the special rapporteur. The appointment of special rapporteurs with social and political affiliations with a government sponsoring a resolution, or a state that has always supported the tabling or extension of country-specific resolutions, can lead to a conflict of interest.<sup>3</sup> Such relationships can clearly violate the basic principles of the Human Rights Council as well as

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1. University of Reading and University of Hull

2. University of Aberystwyth

3. 5/1. Institution-building of the United Nations Human Rights Council, para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate-holders will act in their personal capacity.



the general criteria for the appointment of the special procedures mandate-holders in terms of impartiality, and independence, both of which are fundamental legal principles in proceedings or performing any monitoring or fact-finding mandates. Such dependency raises a reasonable doubt that this mandate cannot act without partiality, the non-observance of which can automatically question the independence of the mandate-holder. In fact, it is a prerequisite for making decisions and presenting impartial and independent opinions. Therefore, the Islamic Republic of Iran believes that special rapporteur who has such ties cannot act in the framework of a logical, impartial, and independent observer. The manner in which the special rapporteur has dealt with the Islamic Republic of Iran, as expounded hereinabove, is a testament to this view and fact. The Islamic Republic of Iran has serious consideration in this connection and deems it another sign of the politicized nature of this agenda. The Islamic Republic of Iran hereby calls upon the Human Rights Council to take this consideration into account.

**Appendix: Letter dated September 2022 of the Islamic Republic of Iran to the Office of the High Commissioner for Human Rights regarding the unprofessional and illegal actions of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran**

**The Islamic Republic of Iran's Comments  
Concerning the latest report by Mr. Javaid Rehman on Iran's  
human rights performance**

Iran continues to attach high importance to its cooperative and interactive approach vis-a-vis United Nations human rights mechanisms, including UPR and other relevant venues.

It is our firm belief that the promotion and protection of human rights for all would hardly be achievable in a politically burdened environment where confrontation, political biases and negative stereotyping prevail. Country specific resolutions and the ensuing mandates are one patent example of instrumentalization of the Human Rights Council for political gains.

As a matter of principle, the Islamic Republic of Iran has constantly rejected the special rapporteurship on Iran's human rights as a politically motivated scheme to stigmatize Iran. Nonetheless, it has interacted with Mr. Javaid Rehman (special rapporteur appointed pursuant to a non-consensual resolution sponsored by UK and some other Western Countries in the Human Rights Council) in a spirit of constructive dialogue to present its views on the promotion and protection of human rights and to provide the drafters with accurate information and factual data in order for them to avoid falsities and misrepresentations concerning Iran's human rights performance.

However, Iran's constructive approach has been devalued by Mr. Rehman as his persistent failure to take notice of Iran's

comments and focusing only on a series of undocumented and unreal allegations, has turned Iran's laborious efforts into a futile exercise. It is noteworthy that we have always been put under immense pressure to review the draft reports (that include myriads of allegations claims and cases) and submit our comments in a very short duration (5 to 7 days). Despite Iran's arduous toil in responding to all and every allegations raised by Mr. Rehman, our comments are very rarely, almost never, heeded by him in compiling/finalizing his reports.

This is all the while where pursuant to Paragraph D of Article 8 and paragraph C of Article 13 of Annex to Resolution 5/2, 18 June 2007, of the Human Rights Council, the Special Procedures Mandate-Holders are obligated to give time to the representatives of States to assess and respond to allegations raised against and attach a summary of written comments to reports.

Mr. Javid Rehman's conimuous disregard of the comments provided by the Islamic Republic of Iran contradicts Resolution 5/2 and its Annex.

Moreover, Mr. Javid Rehman has infringed on the framework of his mandate and adopted an invasive and abusive approach in breach of the Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council by launching a broadside on the Constitution, structure of Government and the principle of separation of powers in the Islamic Republic of Iran. He has repeatedly denigrated the culture, religion, customs and tradition of the Iranian nation, as well as disparaged the laws and regulation of the Islamic Republic of Iran and its governing structure, which are based on the will of the Iranian nation.

Mr. Rehman's over-reliance on false information obtained from foreign-based anti-Iranian media outlets and even some terrorist groups, have stripped his subsequent reports of any credence

or credibility. The reports, as deliberately flawed and biased as they have been, are in contradiction of the principles set forth in Resolution 5/2, the Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council, particularly Articles 6 and 8 on the necessity of establishment of “the facts, based on objective, reliable information emanating from relevant credible sources” and respecting the “principles of discretion, transparency, impartiality, and even handedness” in information gathering.

The special Rapporteur has intentionally neglected various positive measures and policies adopted by the Government for promoting and protecting human rights and is instead focused upon a spectrum of misleading and unverified information.

The reports have also deliberately ignored, or even acquiesced, the negative impacts of the United States’ unlawful unilateral coercive measures on the enjoyment of human rights of the Iranian people. The fact Mr. Rehman has never associated with any statement condemning UCM’s against Iranian people is a clear sign of his biased approach on human rights.

Mr. Rehman has also deliberately overlooked the brutal terrorist acts against innocent Iranian people that have claimed the lives of more than 17,000 people over the past four decades. Unfortunately, the SR adopted a totally different policy. He held meeting in the third States with members of terrorist groups under the pretext of dialogue and engaging whit them or gathering information or claiming to defend them under the false labeling of victims of human rights violations. This policy is not acceptable.

Unfortunately, the special rapporteurship on Iran has been used as a platform to advance the political agenda of the mandate’s main sponsors, to propagate stigmatization and negative stereotyping against Iran and to broadcast the whims of Iran’s adversaries.

That said, the Islamic Republic of Iran deemed it inevitable to review the usefulness of commenting on Mr. Rehman's reports that have proved to be preset, final and fixed beforehand, and that would have been finalized regardless of Iran's comments. The Islamic Republic of Iran considers the whole reporting scheme as part of a purely political agenda by the co-sponsoring States against Iran and categorically rejects all the allegations and ill-advised claims against the country raised in that report.

