



*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the name of God

N° 331-2/8303

The Permanent Mission the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to: IRAN 14/2011 dated 11 October 2011 and IRAN 17 2012 dated 13 July, has the honor to submit herewith the replies of our government with regards to 1- Mr. Younos Aghayan (father's name Ayoob) and 2- Mr. Abdolfatah Soltani (father's name Mohammad), 3- Mr. Reza Shahabi Zakaria (father's name Ali), Mr. Abdolfatah Soltani (father's name Mohammad), 4- Messrs Farid Hosseinov, Sharlyar Haji-zadeh an Behnam Ghanji s cases.

The Permanent Mission of the Islamic Republic of Iran avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.

Geneva, September 26, 2012



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With regards to Mr. Younos Aghayan (father's name Ayoob), the High Council for Human Rights, has approached all pertinent judicial authorities and courts.

According to information received from Western Azerbaijan's department of justice, Mr. Aghayan was charged with armed rebellion against the system of the Islamic Republic of Iran and armed confrontation with the police -- which resulted in the death and injury of a number of police officers. As such Mr. Aghayan was tried by branch 2 of Mahabad Court of Revolution. After hearing Mr. Aghayan's defense and that of his attorney -- Ms. Mahnaz Mokhtari -- and the completion of all relevant legal protocols; the court, by virtue of article 2 of the penalty enhancement statute for traffic of small arms and ammunition and articles 186 and 190 of the Islamic Penal Code, found Mr. Aghayan guilty and by issuing verdict number 1427 dated 11 January 2005 sentenced him to five years imprisonment for carrying an illegal assault rifle -- later confiscated -- and death for armed rebellion against the Islamic system.

The court's initial verdict was appealed by the condemned and his attorney. As a result branch 27 of the high court reexamined the verdict. However, on the basis of paragraph (a) of article 265 of the general and revolutionary courts' rules of procedure for penal matters, the Court, through its verdict No. 73 dated 10 April 2005, rejected Mr. Aghayan's appeal by stating that no unassailable evidence was submitted to merit a dismissal of the original verdict.

Nevertheless, after four years had passed from sentencing, Mr. Aghayan's attorney -- Mr. Seyed Jabar Hosseini -- lodged a request for a retrial. The request was referred to branch 27 of the High Court. However, through verdict number 1380 dated 2 December 2009 the court announced that the applicant's bid does not correspond to the stipulations of article 265 of the general and revolutionary courts' rules of procedure for penal matters and as such the request for a retrial has been dismissed. At the moment, Mr. Younos Aghayan is in custody and in the prison of the provincial city of mahabad.

With regards to Mr. Abdolfatah Soltani (father's name Mohammad) according to information received from Tehran's department of justice, Mr. Soltani and his defense team -- Messrs. Hadi Esmailzadeh, Ali Najafi Tavana, Arash Keykhosro, Foad Yosefee, Mahmood Behzade, Bahman Keshavaz, Seyed Mahmood Alizadeh Taatabayee and Mss. Shema Ghoshe, Najma Rahmanee, Farideh Gheirat, and Sorror Shahareat -- have appealed verdict number 619/90 dated 8 January 2012.

Mr. Soltani's appeal was heard by branch 54 of Tehran's court of appeals. After careful deliberation, the court, by virtue of paragraph 1 of article 257 and paragraph 5 of article 6 of the code governing the rules of procedures for general and revolutionary courts when hearing criminal cases, dismissed a portion of the original verdict which had condemned Mr. Soltani to five years in prison (... association and conspiracy with intent to commit crimes against national security) and pertained to article 610 of the Islamic Penal Code (IPC). The court also reduced Mr. Soltani's original prohibition from practicing law after his release from prison; to 10 years.

However, the appellate court, by virtue of paragraph 1 of article 257 of the code governing the rules of procedure for general and revolutionary courts when hearing criminal cases, endorsed the remainder of the lower court's verdict.

With regards to Mr. Reza Shahabi Zakaria (father's name Ali), the High Council for Human Rights has approached all pertinent judicial authorities and courts.

According to information received from Tehran's department of justice, Mr. Shahabi was charged with:

- 1- Association and conspiracy to commit a crime against national security by maintaining contact with the MEK terrorist group.
- 2- Propaganda against the system of the Islamic Republic of Iran.

As such he was brought before branch 15 of Tehran's Court of Revolution. After hearing Mr. Shahabi's defense and that of his attorney, Mr. Masoud Shafie and the completion of legal protocols, by virtue of articles 500 and 610 of the Islamic Penal Code -- and consideration to article 47 for the first charge filed against him -- the court found Mr. Shahabi guilty and by issuing its verdict dated 10 March 2012 sentenced him to 5 year of prison for the first charge and 1 year of prison for his second charge -- with time already served subtracted. The court also ordered Mr. Shahabi to surrender 70,000,000 Rials in cash which was generated through criminal activity.

The court's verdict is initial and open to appeal in provincial appellate courts.

With regards to Azerbaijani nationals Messrs. Farid Hosseinov and Shariyar Haji-zadeh, the High Council for Human Rights has approached all pertinent judicial authorities and courts.

According to information received from the department of justice of the province of Eastern Azerbaijan, Messrs. Hosseinov and Haji-zadeh were arrested on 2 May 2012 and charged with engaging in propaganda to benefit groups that oppose the Islamic Republic of Iran. As such and after the completion of necessary investigations an indictment was issued and their dossier was referred to Tabriz' Court of Revolution. However, the court is yet to issue its verdict.

With regards to Mr. Behnam Ghanji, the High Council for Human Rights has approached all pertinent judicial authorities and courts.

According to information received from Tehran's department of justice, no records exist for Mr. Behnam Ghanji.