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

*In the name of God, the Compassionate, the Merciful*

N°2050/9170

The Permanent Mission of 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 the communication number UA IRN 3/2016 dated 20 January 2016, has the honour to submit, herewith, the reply of I.R. Iran with regard to Ms. Khaleghi case.

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Geneva 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.



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### **In the name of God**

1. According to the content of the dossier, the court reaffirmed immoral relationship of Ms. Khaleghi with three men (Messrs. ██████, ██████ and ██████) and one illegal abortion, as was described in details in the issued verdict. In addition, the murderer while proposed marriage to the lady, planned to murder her husband (Mr. ██████, famous television director) in a way which was described in the verdict (first by reducing victim's consciousness by drug, then drowning him into dam water). This suggests prior decision by the murderer and existence of multiple and considerable layers in this case to which the court duly noted, and after hearing defenses and considering the content of the file, announced the end of proceedings and issued the verdict.

2. According to Zanjan Province Court, Ms. Khaleghi has been convicted to stoning on charge of adultery while married and having illegitimate relationship with her husband's murderer, and to pay blood money to the victim's family on charge of illegal abortion. It is worth mentioning that investigation of the case was performed in the presence of 5 judges in the Criminal Court of the Province and has given enough attention to defenses of the accused and her appointed lawyer (Mr. Mohammad Norouzi). Due to the lawyer's objection, the case was referred to the Supreme Court, which approved the original judgment and reaffirmed the issued verdict.

3. According to religious teachings in Muslim countries, having sexual relationship outside marriage is condemned and is illegal and can receive appropriate punishment through the court. Therefore, due to provisions of morality and also mental health, formation of the family is recommended and put in the law. Moreover, to secure familial commitments in forms of

legal bond of marriage, not only it will protect the health of generations and moralities of the society, but also it can prevent related crimes. As recognized from this case, sexual relationship outside marriage generated the intentions for murder.

4. It should be mentioned that Islamic Law has been carefully implemented in the national Penal Code and has no ambiguity while in the execution phase similar extensive care is provided. As can be seen from the case of Ms. Khaleghi, the judge concluded his judgment once conditions of this crime were realized and subsequently the judgment was reaffirmed by the higher judicial entity.

It has been claimed in the communication that according to article 199 of the Islamic Penal Code, the basis for issuing a verdict must be the witnesses' testimony; and since there is no such thing in this file, the issued verdict is illegal. However, it must be said that: evidence for lawfully proving the commission of adultery is not limited to the testimony of witnesses. According to articles 211 and 213 of the Islamic Penal Code, the judge can issue the verdict on the basis of the circumstantial evidence and manifest documents and also using his certain knowledge. Because of its importance, article 211 is cited below to clarify the ways in which the judge can acquire knowledge:

**Article 211:** "Knowledge of the judge is defined as a certainty resulting from manifest evidence in a matter brought before him. In cases where a judgment is based on the knowledge of the judge, he is responsible to explicitly mention in the verdict the manifest circumstantial evidence on which his knowledge is based."

Note- instances including the expert's opinion, inspection of the place, on-site inquiries, remarks by the informed people, reports by the bailiffs and

other circumstantial evidence which give knowledge can be the judge's ground of knowledge and his decision. Nonetheless, mere presumptive knowledge, which cannot bring certainty for the judge, cannot provide the grounds for issuing a verdict.

5. In this file, considering the statements of the murderer (Mr. [REDACTED] and the other accused parties (Mr. [REDACTED] and Mr. [REDACTED]), as well as the pleadings of Ms. Khaleghi and her defense attorney and other circumstantial evidence, the judge has summed up the evidence and has issued the verdict according to the law. Therefore, contrary to the claims which were made in the communication:

First- the issued verdict was passed after completing the legal formalities and after hearing the defenses of the defendant and her lawyer, and the due process of a fair trial has been observed in her case;

Second- the stages of judicial proceedings were carried out according to the municipal law, including effective access to the private attorney;

Third- the commission of the sinful act of adultery has been proved according to the law (articles 211 to 213 of the Islamic Penal Code) and based on the circumstantial and manifest evidences;

Fourth- the execution of the issued verdict has been suspended for the present and its implementation depends on the consent of the head of the Judiciary (although the sentence of retaliation for the murderer is definite);

Fifth- considering the nature of this file, there is a possibility for converting the sentence of stoning to other alternative sentences;

Sixth- in the event that the head of the Judiciary decides that the sentence is not compatible with the civic and Islamic laws, retrial will be possible. Therefore, it is observed that Ms. Khaleghi's file has not been put to execution yet.

6. Despite the gravity of the crimes committed by the aforesaid person, all the legal rules and the process of fair hearing have been observed in her case and the judgments have been issued based on the provisions of law.

Summary: The urgent appeal by the Rapporteurs regarding the aforesaid person has been made without attention to the crimes committed and to the necessity of a judicial proceeding. This appeal is based on a prejudgment and seems to have fallen out of the jurisdiction of the Special Procedures. It is evident that, as it was observed, the judicial system has investigated this issue with due precision. Also, any hasty action has been avoided and the sentence has not yet become implementable.