

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
June 19, 2015 9:44:14 AM GMT+02:00	7330203	92	4	Received
19/06/2015 09:26	7330203	IRAN MISSION GENEVA		PAGE 01/04



*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°2050/6727

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 notes UA IRN 3/2015 dated 12 February 2015, UA IRN 23/2014 dated 14 October 2014 and ks/CRC dated 3 March 2015 with regard to Mr. Saman Naseem case, has the honor to submit herewith the response of the Islamic Republic of Iran.

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.



Office of the United Nations High Commissioner
for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Fax: 022 917 90 08

With regard to the communications number UA IRN 3/2015 dated 12 February 2015, number UA IRN 23/2014 dated 14 October 2014 and number ks/CRC dated 3 March 2015, the following information has been provided by the "High Council for Human Rights of the Judiciary of the I.R. of Iran":

According to the relevant judicial authority, Mr. SAMAN NASEEM, charged with taking armed action through membership and cooperation with the terrorist group PJAK and participating in terrorist acts and armed conflict with military forces of the Islamic Republic of Iran, which led to the martyrdom of and injuries to several military personnel, has been sentenced to death (through execution) by virtue of Penal Code after due process of law and hearing the defence presented by the defendant and his lawyer named Mr. *Aziz Mojdehi*. The convict and his lawyer appealed the verdict, reconsidered the case; with regard to the case evidences, and whereas no justified objection was made so as to impair the foundations of the court verdict, and whereas there was no defect in the verdict in terms of the compatibility of the subject with law and observing the principles of judgement, the Supreme Court dismissed the said appeal and confirmed the first verdict. The detailed trial procedure is as follows:

1- As a member of a terrorist team affiliated with PJAK terrorist group, Mr. Saman Naseem engaged in conflict with military forces of the country along the western borders of Iran (i.e. *Sardasht* border region) and embarked on shooting, as a result of which one military agent was martyred and three others wounded. According to the process verbal of the arrest, the aforementioned individual shot all his bullets and refused to surrender until he was finally arrested by the military forces and delivered to the judicial officials for trial.

2. The aforementioned person was initially tried by *Mahabad* County lower court on charges of armed action and acting against the national security, while he was counselled by Mr. *Aziz Mojdchi*; with regard to the process verbal of being arrested amid armed conflict, being seen in military operation carrying a recently-fired Kalashnikov, and considering the relevant authorities' expert theories and comprehensive report, the said

defendant was tried and sentenced to death based on the indictment issued by Sardasht prosecutor.

3. Branch 32 of the Supreme Court examined the appeal made by Mr. Saman Naseem and his lawyer Mr. Aziz Mojdehi against the initial verdict, and with regard to the defendant's date of birth and Article 91 of the New Islamic Penal Code (concerning the defendant's mental growth, lack of coercion into committing a crime, and insistence on committing the crime), it concluded that investigating the accusations falls within the jurisdiction of the provincial criminal court, hence referring the case to West Azarbaijan provincial criminal court.

4. Comprising 5 judges, the criminal court of West Azarbaijan Province investigated the charges of the above-mentioned defendant - including taking armed measures against the establishment, membership and cooperating with the terrorist grouplet PJAK, participating in terrorist activities, and getting involved in armed conflict with military forces of Sardasht, which led to one being martyred and three others wounded and then with regard to facts such as the definite membership of the said defendant in the aforementioned terrorist grouplet, his resorting to firearm and shooting the military agents and severe resistance against them, arranging for the escape of the felons, being arrested while carrying a Kalashnikov, and other evidences in the case, the said court sentenced the defendant to death in accordance with Articles 183 and 186 as well as Clause 1 of Article 190 of the Islamic Penal Code.

5. Branch 32 of the Supreme Court reconsidered the appeal made by Mr. Saman Naseem and his advocate Mr. Aziz Mojdehi against the verdict handed down by the criminal court of the West Azarbaijan Province; arguing that no justified objection was made by the Convict and his lawyer so as to impair the foundations of the court verdict and that no defect was found in the verdict in terms of the compatibility of the subject with law and observing the principles of judgement, the said branch dismissed the appeal and confirmed the issued verdict.

It should be mentioned that:

- With regard to the above premises, the participation of the said defendant in terrorist operations has been established and proved by the court, while the issued verdict in this case has not been based on the defendant's confession; rather, the court's ruling has been based on various demonstrable reasons. Therefore, the alleged 'forced confession' is absolutely false and hereby refuted.

- With regard to the fact that the said defendant's physical and mental growth has been established, that he has been on the verge of the age of 18 at the time of committing the crime, that he has been cooperating with the terrorist group PJAK for a long time, and that he has insistently participated in armed terrorist operations, it can be concluded that the doubt cast in the Special Rapporteur's letter regarding the immaturity of the defendant and his incognizance of the criminal acts while committing them is dispelled.

Furthermore, considering the generality of the crime of terrorist acts and the need for maintaining general security in society, and the need for prevention of the occurrence or recurrence of such crimes, and since prevention of crimes is one of the duties of the Judiciary as provided for in Article 156 of the I.R of Iran's Constitution, the judicial authorities act in a way so that terrorist organizations may not employ individuals slightly under the age of 18 (who have necessary mental and physical abilities) and entice them into committing terrorist acts.

It should be noted that the aforementioned verdict has not yet been executed.