

TIME RECEIVED

March 7, 2016 5:50:29 PM GMT+01:00

REMOTE CSID

7330203

DURATION

155

PAGES

8

STATUS

Received

07/03/2016 18:25

7330203

IRAN MISSION GENEVA

PAGE 01/08



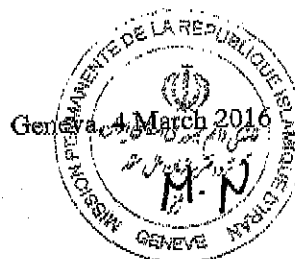
*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the name of God, the Compassionate, the Merciful

N°2050/8321

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 communications number UA IRN 3/2015 dated 12 February 2015, UA IRN 7/2015 dated 2 June 2015 and communication by CRC Committee dated 4 Mars 2015, has the honor to submit herewith the reply of the I.R. Iran with regard to Mr. Saman Nasim and Mr. Hamid Ahmadi 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.



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

Mr. Saman Nasim (communications 5848, 6645)

Summary of his dossier: Initially the Islamic Revolutionary Court in city of Mahabad began hearing the charges against Mr. Saman Nasim, son of Faegh and born in 1993, on charges of *moharebeh* and acting against national security with taking armed actions and membership in operational terrorist team of PJAC and was represented by his lawyer Mr. Aziz Mojdehi. He was involved in armed operations along the border region of Sardsh which caused the death of one member of the armed forces and injury of three others. He admitted membership in PJAC and going through different training programs inside operational teams. The records concerning his arrest show that he was arrested in the heat of an armed encounter and one Kalashnikov military rifle taken from him. The

comprehensive report by investigating officers and expert opinions pointed to the fact that Saman began shooting at security officers. The corroborative evidence on the scene fully corresponds to clear admissions by him to the investigating officers. He was sentenced to death on the basis of article 183, paragraph 1 of article 190, article 508 of the Islamic Penal Code and the indictment issued by Prosecutor of Sardasht.

Mr. Saman Nasim and his lawyer Mr. Mojdehi appealed the verdict whereupon the Supreme Court Branch 32 reconsidered the case and ruled that the decision for qualification of death penalty is within the competence of Provincial Criminal Court by referring to his date of birth, ruling 85/3/2-687 on "uniform practice". The Supreme Court overturned the death penalty ruling for the reason of lack of inherent competence of the court that issued the verdict. This decision was on the basis of paragraph B of Article 265b of Criminal Code of Procedures for Public and Revolutionary Courts and for this reason the Supreme Court assigned the case to Criminal Court of West Azerbaijan. The Criminal Court of West Azerbaijan Branch Two, heard the case and tried Mr. Nasim in presence of five judges and his lawyer, Mr. Aziz Mojdehi on charges *moharebeh* (taking armed actions against the State) and membership in and collaboration with PJAC terrorist group and taking part in acts of terrorism and armed encounters with military forces of Sardasht that led to the martyrdom of one officer and wounding of three others. Branch Two concluded that Mr. Nasim was a member of terrorist group and had gone through political and military training programs. He used his military weapon to shoot at military personnel and resisted against all warnings. Moreover, he facilitated escape of other outlaws and even began throwing stones after finishing all his bullets; he was arrested while in possession of a Kalashnikov and an empty magazine. Open admissions by the accused during questioning and other circumstantial evidence and corroborative indications all point to the fact that the accused, after completion of political and indoctrinations programs that are intended to overthrow the Islamic Republic of Iran, became a full-fledged member of PJAC terrorist group and resorted to weapon to resist arrest. The arguments by his lawyers for his defense were all unjustified. The criminal charges against him were proven to be true in accordance with articles 183 and 186 and

paragraph 1 of Article 190 of the Islamic Penal Code and he received the death penalty. Consequently, the Supreme Court Branch 32 heard the appeal filed by Mr. Nasim and his lawyer, Mr. Mojdehi, against the ruling of West Azerbaijan Criminal Court Branch Two; arguing that no justified objection was made by the convict and his lawyer so as to impair the foundations of the court verdict, rejected the appeal and confirmed the issued verdict.

Finally, according to the information received from the Department of Justice (West Azerbaijan) the request of Mr. Nasim and his lawyer for another hearing was accepted by Branch 37 of the Supreme Court on 22 August 2015 and the case has been assigned to parallel branch in provincial criminal court.

Mr. Nasim is presently in Zanjan Prison and as can be seen by these measures, maximum degree of tolerance has been exercised and his case is currently being examined.