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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° 2050/8649

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 AL IRN 16/2015 dated 29 October 2015, has the honor to submit, herewith, the reply of I.R. Iran with regard to Mr. behrouz Alkhani 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.

Geneva, 26 April 2016



Office of the United Nations High Commissioner
for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
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The following response has been provided by the "High Council for Human Rights of the Judiciary of the I.R. of Iran":

Mr. behrouz Alkhani, has been arrested and prosecuted on charges of:

- 1- Active cooperation with the PJAK and the PKK terrorist groups through participation in providing and delivering explosive materials and equipments.
- 2- Involvement in assassination of prosecutor of Khoy (a city in west Azerbaijan Province)
- 3- Possession of illegal weapons and military equipment including a bomb, two pistols and one Uzi gun, in order to commit terrorist acts.

After exhausting legal processes and hearing the defenses of the defendant and his lawyers, Mr. Alkhani has been sentenced to ten years in prison and death.

The issued verdict was referred to and confirmed by the Supreme Court based on the evidence. Subsequently, the sentence was executed on 25 August 2015.

During his imprisonment, Mr. Alkhani has had visitations with his family and lawyers several times. Furthermore, two lawyers defended him during the legal proceedings.

It should be mentioned that the term "*Moharebeh*" has been wrongly translated as "enmity with God", while this term is one of the instances of acts of terrorism in domestic law, its correct definition is: **Using weapon to threaten the life, property and honor of people or to cause panic and fright in a way that leads lawlessness and insecurity.** Hence combating the crime of moharebeh is solely for the purpose of promoting law and

order in society and protecting public against the threat or use of armaments.

Accordingly the legislator has provided in the Islamic Penal Code, article 279, which stipulates that: "When a person uses a weapon out of personal motivation against one or more persons and his/her action has no public aspect or a person uses a weapon targeting public but does not cause any threat to public safety, he/she is not regarded as moharebeh. It is very clear that not every armed action is regarded as **moharebeh**.