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IRAN MISSION GENEVA

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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°2050/9928

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 13/2016 dated 13 May 2016, has the honour to submit herewith the reply of I.R. Iran with regard to Mr. [REDACTED] 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.



Office of the United Nations High Commissioner
for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
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With regard to letter No IRN 13/2016 Dated 13 May 2016, concerning Mr. [REDACTED] the following information has been provided by the "High Council for Human Rights of the Judiciary of the I.R. of Iran":

As regards with the convict, Mr. [REDACTED] son of [REDACTED] based on the pronouncement by Fars province Department of Justice, the prosecutor of Shiraz issued the order for suspending the retribution verdict until further notice. Required measures were performed, including inquiring from the Forensic Medicine to determine the real age of the convict when committing the crime. Response to the inquiry signifies the intellectual growth and maturity of the convict when committing the crime. Moreover, on 14th April 2014, the Supreme Court, reviewing the case, has overturned the conviction by branch 4 of the Criminal Court of Fars province, for failing to observe article 91 of the Islamic Penal Code and returned the case for retrial to the mentioned branch. After convening and inquiring the accused and the opinion of forensic medicine experts, and after ascertaining that the accused had sound intellect and understanding about unlawfulness of the committed acts and their punishment, the Criminal Court branch 4 of Fars province issued again the sentence of retribution and execution for the convict person, on the basis of judgment number 9309977120700165.

This verdict was reaffirmed by the Supreme Court and asking for permission from the honored head of the judiciary, the file was sent to Shiraz Unit for executing criminal sentences, nevertheless the Court and other part of Fars province Department of Justice try to make reconciliation. However, given the acts of the convict toward the murdered (sodomy and slaughter and dropping the body into a well), owners of blood (family of the murdered) are not willing to accept reconciliation and insist upon execution of the verdict.

With regard to the allegation that knowledge of the judge has been the basis of the verdict and that there were no legal documents, it must be said: The reasons for legally proving deliberate murder and punishment for forced sodomy are not limited to testimony of witnesses. Based on law (articles 211 to 213 of the Islamic Penal Code), the judge can issue verdict on the basis of circumstantial and reliable evidence and also using his personal cognizance (which is different with knowledge). Article 211 is cited below to clarify the ways in which the judge can acquire cognizance and knowledge.

According to article 211: "cognizance 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 cognizance of the judge, he is responsible to explicitly mention in the verdict the manifest circumstantial evidence on which his cognizance is based."

In this file, the judge reached conclusion and issued verdict based on law, according to statements and confessions of the accused (e.g. when reconstructing the crime scene in the prosecutor's office, where there is no possibility for exerting pressure for confession, he confessed) and other informed people, defenses of the accused and the defense attorney, and other circumstantial evidences (revelation of the place where the knife with which he had killed the murdered or the well into which he had dropped the murdered). Therefore, contrary to the claims, firstly, the sentence has been issued after completing legal formalities and hearing defenses of the accused and the private attorneys (Seyyed Husein Ahmadi and Shahin Kiyani) and the process of a fair trial has been completely observed for him. Secondly, legal proceedings have been carried out according to due process of law and based on internal laws, including effective access to private attorneys of the accused. Thirdly, commission of murder and the legal punishment for forced sodomy have been proved according to law (articles 211 and 213 of the Islamic Penal Code) and based on manifest circumstantial evidence. Fourthly, at the moment, the sentence is suspended and efforts are being made to obtain the consent of the owners of blood, and as it was said, executing the verdict of capital punishment depends on the insistence of the owners of the blood for executing the retribution, after all efforts to convince them to forgive the murderer fails eventually.