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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°2050/10051

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 18/2016 dated 1 June 2016, has the honour to submit herewith the reply of I.R. Iran with regard to Mr. Mohammad Reza Haddadi 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,



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The following information has been provided by the "High Council for Human Rights of the Judiciary of the Islamic Republic of Iran":

Regarding cases related to executing capital punishment for under 18-year-old offenders, it should be brought to attention that the Islamic Republic of Iran, with due attention to Islamic and humane considerations, is very lenient with these offenders. The necessity of considering their cases in courts of special jurisdiction and also the use of substitute, minimum and light punishments can be mentioned as examples. Only regarding intentional murder, under-18 offenders are put on trial in a "province's criminal court" with the presence of 3 judges. According to the Islamic law and the country's Penal Code, the offence of deliberate murder deserves retribution. In such cases, the duty of government is to ascertain that the murder has been intentional, and implementation of the verdict is possible only according to request of the owners of blood.

Under articles 88 and 89 of the Islamic Penal Code, regarding criminal penalties (lesser than death penalty) for those criminals who are between 9 to 15 years of age, the court has predicted one of the five lenient decisions specified in these articles. In practice, the penalties have been converted to protective and correctional measures. In article 89, regarding those aged between 15 to 18, criminal penalties (lesser than death penalty) have been leniently reduced and converted to light punishments such as being kept in houses of correction or to light imprisonments or to pecuniary punishments. Even under article 91 of this law "in crimes leading to flogging or retribution, whenever under-18 adults be unable to comprehend the nature of the committed offence or its unlawfulness, or if there be a doubt in the maturity of their intellect, according to their case and considering their age, they will be sentenced to punishments specified in this chapter. These measures are new changes in Iran's judicial system

for observing the highest compassion and for the realization of justice regarding under-18 offenders.

Regarding the convict, **Mr. Mohammad Reza Haddadi**, it is declared that: he was arrested and prosecuted on charges of kidnapping, intentional murdering, and hiding and burring the body of Mr. Mohammad Bagher Rahmat. After exhausting the due process and hearing the defenses of his lawyer Mr. Ali Ahmadi, he was sentenced to Qisas (retribution) and 16 years of imprisonment. This verdict has been affirmed by the Supreme Court.

In this regard it should be noted that: firstly, the issued verdict was passed according to extensive investigations, confessions which uncovered the fact during proceedings; while the convict benefited from lawyer, the due process as well as fair and transparent trial. Secondly, regarding implementation of Article 91 of the Islamic Penal Code approved on 2013, it is reported that according to the department of justice of Fars Province, "due to/considering the contents of the dossier, since the sentenced person had the intention to steal with malice aforethought, along with other collaborators, and the homicide was perpetrated by the convicted, in person, in a disastrous way with awareness and knowledge of its evil consequences, with a full understanding of prohibition of murder, while there is no reason for lack of his maturity and wisdom at the time of the crime, thus, the execution of the sentenced, Mr. Haddadi, is permitted by the court." Thirdly, regarding the health condition of the aforesaid, according to the announcement of related references, he frequently benefited from health care services in the jail and has been hospitalized in Namazi Hospital of Shiraz and was visited and treated by a specialized physician. Now he is in full health and has been transferred to the Advice ward.

Based on existing procedures, even after finalizing court verdicts and confirming them in the Supreme Court, the reconciliation commission makes extensive efforts to obtain the consent of the owners of blood and convert retribution to blood money. Thus, during the past few years, a considerable number of offenders have been released from the punishment of retribution. The Islamic Republic of Iran's fundamental policy is to encourage reconciliation, even through providing cash assistance to help realize the payment of blood money. This is the prevailing procedure and method for dealing with this group of offenders. Of the measures taken by the Judiciary, is the creation of the "prevention of life deprivation punishment" working group. This working group is a subset of the executive committee of defending the rights of children and juveniles in the Supreme Court of Tehran province which has now extended to all provinces of the country. The aim of this group is to bring about reconciliation and peace and prevent the implementation of retribution. Even during the proceedings, this group can try to bring about peace and reconciliation and to obtain the consent of the owners of blood.