



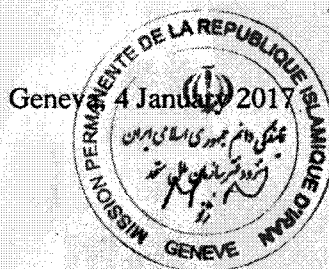
*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the name of God, the Compassionate, the Merciful

Ref: 2050/10330

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 11/2016 dated 6 May 2016, has the honor to submit herewith the reply of the I.R. Iran with regard to Mr. [REDACTED] case.

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.



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High Commissioner for Human Rights
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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:

"On the basis of Islamic and human considerations, the Islamic Republic of Iran applies particular flexibilities in cases related to offenders of under 18 years of age, including consideration of their cases in specialized courts and use of minimum light substitute punishments. Only in case of murder by adults under eighteen years of age, their trial takes place in "Provincial Criminal Court One" with the presence of three judges. According to the Islamic canon law and the country's Penal Code, the offence of deliberate murder deserves retribution (Qesas). The State, in this part, is entrusted with verifying the attributed charge of voluntary manslaughter; and execution of the verdict merely remains on the request of the owners of blood.

Based on the existing procedure, even after finalization court verdicts and their confirmation in the Supreme Court, the Reconciliation Commission makes extensive efforts to obtain consent of the owners of blood and convert retribution (Qesas) to blood money. Thus, in recent years, a considerable number of offenders have been released from the punishment of retribution (Qesas). The Islamic Republic of Iran's fundamental policy is to encourage reconciliation, even through providing cash assistance to help with realization of the payment of blood money. This is the prevailing procedure and method for treating this group of offenders. Establishment of the Working Group on Prevention of Life Deprivation Punishment is among the measures taken by the Judiciary. This Working Group is under the "executive committee on defending the rights of children and juveniles" in the General Justice Department of Tehran Province. This policy is presently practiced in all provinces of the country. The Working Group aims at creation of reconciliation and peaceful

settlement of cases to prevent execution of retribution. This action by WG may take place at any stage of the legal procedure to obtain consent of the owners of blood.

Under Articles 88 and 89 of the Islamic Penal Code, regarding criminal punishments (lower than death penalty) for those criminals who are between 9 to 15 years of age, the court applies one of the five leniency decisions and in practice, the penalties have been converted to protective and correctional measures. In Article 89 of the same law, on those aged between 15 to 18, criminal penalties (lower than death penalty) have been mitigated and converted to light punishments such as being confined in rehabilitation centers or to light imprisonments or to pecuniary punishments.

As for the situation of Mr. [REDACTED] according to the information and documents received from the General Justice Department of Gilan Province, he was arrested and prosecuted on charges of premeditated murder of Mr. Amir Daliri Malvani. After exhausting the due process and hearing the defenses of his lawyer, Mr. [REDACTED] was sentenced to retribution (Qisas). The verdict has been confirmed by the Supreme Court.

The lawyer requested appeal and on this basis the Supreme Court branch 35 reviewed the case and finally rejected the appeal request and reaffirmed the sentence. Consequently, according to earlier-mentioned process, the Reconciliation Commission made extensive efforts, with the help of local trustees, to obtain consent of the owners of blood and convert retribution to blood money.

In this direction, a number of Iranian artists, as volunteers, successfully collected money and also obtained consent of the owners of blood. Hence, execution of the court verdict has been stopped.

Therefore against the allegation mentioned in the communication, all the process and stages of due process of law have been exhausted, including access to lawyer and legal counseling in all stages and his case has been reconsidered in the Supreme Court.

It should be added that Mr. [REDACTED] is enjoying all facilities of the prison in good mental and physical health.

Therefore, any claim otherwise is unfounded and the High Council for Human Rights of the Judiciary of the Islamic Republic of Iran duly expects the communication to be discontinued.
