

TIME RECEIVED

October 12, 2017 4:05:52 PM GMT+02: 7330203

REMOTE CSID

DURATION
184

PAGES
4

STATUS
Received

12/10/2017 15:31

7330203

IRAN MISSION GENEVA

PAGE 01/04



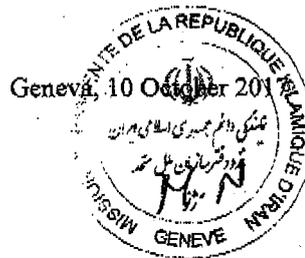
*Mission Permanente
de la Republique Islamique d'Iran
aupres des Nations Unies
et des autres Organisations Internationales à Genève*

In the name of God, the Compassionate, the Merciful

Ref:2050/12236

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 22/2017 dated 9 August and Ref/CRC dated 14 August 2017, has the honor to submit herewith the reply of the I.R. Iran with regard to Mr. [REDACTED]'s 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.



Office of the United Nations
High Commissioner for Human Rights
(OHCHR)
Palais des Nations
CH-1211 Geneva 10
Fax: 022 917 9008

The following response has been provided by the High Council for Human Rights of the Judiciary of the Islamic Republic of Iran on the case of Mr. [REDACTED]

"With regard to execution of court rulings for offenders of under 18 years of age, it should be noted that on the basis of Islamic and human considerations, the Islamic Republic of Iran has implemented various flexibilities including the need to examine their cases in special courts as well as the use of alternative, minimum and light punishments. Only on murder cases, adult offenders of under 18 years of age are tried in first provincial criminal courts, in the presence of three judges. Based on Islamic law and Sharia, punishment for murder is Qisas (retaliation in kind). The government's duty is only to investigate and prove the intentionality of murder and execution of the court ruling, i.e. Qisas, is possible only at the request of the owners of blood.

According to the existing practice, even after finalization and approval of courts' decisions by the Supreme Court, extensive efforts are made by the Reconciliation Commission to gain the consent of the victim's legal guardians and further change of Qisas to Diyya (financial compensation); and as a result, in recent years a considerable number of individuals have escaped the death penalty. Iran's principled policy, in this regard, is to encourage compromise even by providing cash assistance for Diyya payment (financial compensation) and this is the prevailing trend and the main way to deal with this category of offences.

Within the Judiciary, a new task force titled "preventing the punishment of deprivation of life" is already established. The Working Group is under the Executive Committee of the Rights of Children and Adolescents in Tehran province Department of Justice, which is now extended to all provinces of the country. The purpose of the WG is to create peace and non-execution. Even during proceedings, this group tries to establish reconciliation and gain consent of the victims' legal guardians. Members of the Task Force include: a national body representative of children's rights, a psychologist from the Correction and Rehabilitation Center, a social worker from the Correction and Rehabilitation Center, director of Correction and Rehabilitation Center, a lawyer active in children and adolescents affairs, Secretary of the Executive Committee of protecting the rights of children and adolescents and the person in charge financial support. Other members of the committee, including artists, members

of NGOs, professionals on children's affairs and donors are invited as guests of honor.

Pursuant to Articles 88 and 89 of the Islamic Penal Code, for criminal penalties (under execution) who took offense at the age of 9 to 15 years old, the court has anticipated one of the five leniency decisions provided for in Article 88 and practically punishments have become a security and corrective measures and in Article 89 of the criminal penalties for persons between 15 to 18 years (under execution) have changed to a less severe punishment such as keeping in a juvenile institution or in jail or pay a fine. Even under article 91 of the law "in crimes punishable by Hadd or Qisas, if mature people under eighteen years of age do not understand the nature and essence of the crime they committed or if there are doubts on maturity of their intellect, they will be sentenced to various punishments predicted in this chapter". These measures are new developments in the judicial system of Iran to comply with the maximum compassion and fulfillment of justice for offenders under 18 years, which also considers higher interests and special requirements in various sectors and customs of different ethnic groups.

Case of Mr. [REDACTED]

A few points should be taken into consideration in connection with the case of Mr. [REDACTED]

1. According to the content of the dossier of Mr. [REDACTED], he carried a deadly instrument (knife) for committing the crime. He forces his victim, [REDACTED] to a remote place out of the main road where a few water wells existed. Then, threatening his victim with the knife, he rapes and kills Mr. [REDACTED]. To make sure of the victim's death, he further suffocates the victim with a piece of rope and drops him into one of the wells.

2. On the basis of investigations, the verdicts issued by the penal court of Fars Province and Branch 11 of the Supreme Court, have been based on the existing evidences and the acquisition of legal proofs by the judges of the case.

3. According to the medical view issued by the Forensic and on the basis of the anticipation made in Article 91 of the Islamic Penal Code, Mr. [REDACTED] was in a quite healthy condition and he was fully aware and knowledge of the nature of the crime and its legal and punitive consequences. On the basis of those evidences the judged issued the verdict of Qisas.

4. From the time of the commitment of the crime and in the course of the case investigation and steps of the due process of law, the owners of the blood repeatedly complained about prolongation of the proceedings and requested its expediting for execution of Qisas.
5. Upon continuation of the request by owners of the blood for Qisas, the case was again reviewed in the Office of the Deputy Head of the Judiciary for Judicial Affairs and further re-examined by their judges and counselors. Finally, all earlier rulings were found as being in compliance with rule of law and then the file was sent to the Head of the Judiciary and it received confirmation for execution of Qisas.
6. Considering sensitivities on the case from different aspects, and for further coordination and prevention of any abuse of the media atmosphere against the country, the case was again examined by other section of the Judiciary, including the First Deputy Head of the Judiciary; and the stated that there were no legal barriers.
7. Several meetings were held for reconciliation and compromise; meeting of reconciliation council, cinema and television artists, well-wishers, ambassadors of conciliation and peace, Head of General Department of Justice, Shiraz Prosecutor and many other individuals from public and private sectors with the family of the victim had no results and they insisted on execution of Qisas.
8. The defendant had at least two lawyers from the beginning of the proceedings and all his defence was heard by the relevant courts, observing the due rule of law and in compliance with civil rights of the defendant. At the time of execution of Qisas he was 21 years old.
9. While in prison, he had access to all facilities and possibilities, including medical and cultural services, weekly meetings; and even several NGOs had meetings with him.
10. Despite certainty of the court ruling and exhaustion of proceedings, the execution was repeatedly postponed for obtaining consent of the owners of the blood.
11. Any allegation on application of torture or pressure for obtaining confession is categorically baseless and such an issue was not even raised by the defendant in his several meetings,
