



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

In the Name God, the Compassionate, the Merciful

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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 dated 29 November 2018 has the honor to transmit herewith the response of the Judiciary of the Islamic Republic of Iran with regard to the case of Mr. Mohammad-Ali TAHERI.

The Permanent Mission of the Islamic Republic of Iran avails itself of this opportunity to renew to the Office of United Nations High Commissioner for Human rights the assurances of its highest consideration.

Geneva, 28 January 2019



The Office of the United Nations
High Commissioner for Human Rights
Geneva

The Islamic Republic of Iran
The Judiciary
High Council for Human Rights

The latest situation of Mr. Mohammad Ali Taheri

It is hereby stated that as it is the case with many Islamic countries, blasphemy of Islamic sanctities is criminalized in the Islamic Republic of Iran and this law has the support of parties as well as different Islamic groups and associations. The UN Human Rights Council has adopted a resolution forbidding the blasphemy which indicates that freedom of expression may not be open to boundless interpretations to provide the cause for insulting the public sanctities. In the Islamic Republic of Iran, the legislative body has prescribed Articles 513 to 515 of the Islamic Punishment Code for insulting the religious sanctities (including Islam etc) and enforces the same. Furthermore, to uphold the Principle 24 of the Constitution of the Islamic Republic of Iran (on Freedom of Expression) in the best possible way, the legislative bodies have prescribed punishments in Article 608 of the Islamic Punishment Code only for individuals who insult others via abusing the freedom of expression. Other laws which are in force in Iran including the Press Act have acknowledged the rights to freedom of expression and expressing constructive criticism for individuals provided that these expressions are free of insult, contempt, character assassination, defamation and violation of individuals' public and private rights. It should be noted that these restrictions are in complete compliance with Articles 18 and 19 of the International Convention on Civil, Political Rights. As previously and frequently stated, no one is detained in the realm of the Islamic Republic of Iran for the commission of an offence or crime without the occurrence of clear, indisputable proofs and evidence. This is an established fact both in theory (laws and acts) and practice. A large number of

principles in our Constitutions as well as relevant Criminal Codes including the Single Act on Honouring the Legitimate Freedoms and Preservation of Citizenship Rights which was passed in 2005 in the Islamic Consultative Assembly suggest that every case of detention follows the laws, is subject to the issuance of specific, transparent warrants by competent courts and takes place without any recourse to violence, is not influenced by abuse of power or personal preferences and is enforced in complete compliance with the principles of fair trial. Moreover, considering the fact that thousands of writers, artists, musicians as well as other civil, political and social activists are actively working in different areas, legal detention and prosecution of a limited number of offenders can't constitute arbitrariness in action.

Freedom of expression is guaranteed under the laws of the Islamic Republic of Iran and no one is prosecuted because of exercising his/her right to freedom of opinion, belief, religion, or expression. The same is true about Mr. Mohammad Ali Taheri.

According to the latest statements of the Tehran's Justice Department " **Mr. Mohammad Ali Taheri received a 5-year sentence on the charge of blasphemy, was fined fifty million rials and the license of his cosmic- mystic institution was revoked on the charges of unlicensed practice of medicine and illegal intervention in medical affairs of the patients, sentenced to 74 lashes on the charge of commission of prohibited acts, imposed with a fine of one hundred million rials on the charge of production and distribution of audio and visual products and some other unlicensed practices and finally received a six million rials fine for abuse of titles**". He completely served his sentence the start of which was on May 4, 2011. He also is indicted in another case on the charge of **'spreading corruption on the earth'** for which he was sentenced to the capital punishment in the court of first instances. However, this decision was overruled in the Supreme Court of the Country and the case was remanded to another parallel division of Tehran's courts. The parallel court sentenced him to five years of incarceration. Since he appealed the decision, the case was sent to Tehran's Courts of Appeals in which the first decision was affirmed (in form of a judgment issued on August 15, 2018).

It should be noted that he has several attorneys and has met his attorneys on numerous occasions. Mr. Taheri is held in the open ward of Even Detection Center and from the date of his transfer to this ward (July 25, 2018), he has had 28 visits [REDACTED]

[REDACTED] The afore-mentioned has easy, free access to the infirmary and the prison's physician and enjoys open-air time as well as other training and cultural facilities and centres of the prison

It is therefore concluded that his detention is not arbitrary by any standards and not only has he gone through all the stages of a fair trial, but also has received a lenient warrant thanks to the instructions of Islam directing its followers to show compassion and mercy to everyone.