



*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. 2050/24029

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 letter dated 25 January 2019 (UA IRN 1/ 2019) regarding Mr. Esmail Bakhshi and Ms. Sepideh Gholyan, has the honor to transmit herewith the comments of the Judiciary of the Islamic Republic of Iran.

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
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Palais des Nations ,Geneva
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OHCHR REGISTRY

25 AVR. 2019

Recipients :.....S.P.D.....
.....S.R. Iran.....

Enclosure

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

the Conditions of Mr. Ismail Bakhshi and Ms.Sepideh Gholyan

It is hereby stated that as per the latest information received from Khuzestan Justice Department 'in defiance of the law which had declared holding rallies in Shush during a number of days illegal, the aforementioned took on the roles of leaders of illegal rallies of Haft Tappeh Company which disrupted public and traffic orders and brought about the closure of some parts of the bazaar and the city. Furthermore, based on the footages and video clips available, while ministering anti-establishment slogans, they led the rallies towards the governor general's office, the streets inside the town and even the Friday Prayers Site which engendered the citizens' discontent. As per the report of Shush's Intelligence Office, during the labour rallies, with the goal of sustaining the protests, a number of individuals who were mostly residing in Tehran contacted both Mr. Ismail Bakhshi and Ms. Gholyan to disrupt the public peace and ultimately lay the ground for overthrow of the state via instrumental exploitation of the discontentment of labour unions. After collection of the documented evidence and receiving the intelligence report, the aforementioned were detained for the first time on November 18, 2018. However, out of the compassion of the Islamic Republic, Mr. Bakhshi and Ms. Gholyan were later released on December 11, 2018 and December 16, 2018, respectively. During the first detainment, the

aforementioned were visited once by their families on December 2, 2018 and December 11, 2018 and each made a total of seven phone calls while fully enjoying every and each of their citizenship rights as stipulated in Islamic Republic of Iran's Code of Criminal Procedure. Despite claims to the contrary, both the authorities and Mr. Bakhshi have denied any tortures in the detention centre and being sent to hospital as a result of such tortures. However, in compliance with Article 51 of Code of Criminal Procedure, for further investigation and clarifying any ambiguity, Mr. Bakhshi was examined by a trusted physician. The physician refuted any claim of assault and battery and certified Mr. Bakhshi's full physical health. The whole case and the medical certificate were later studied by the delegations representing the Head of the Judiciary and the Prosecutor General. For humanitarian issues and helping the livelihood of his family, then whole salary and all the benefits of Mr. Bakhshi have been paid to his family like any other staff of the company. Nevertheless, once released, the aforementioned circulated a statement in the virtual environment claiming to have been tortured during the detainment and being mishandled during transfer to prison. When the claim was picked up by different circles, the Head of the Judiciary ordered the Investigation Delegation from the Oversight Deputy of the Prosecutor General's Office to pay a visit to Khuzestan Justice Department and Shush city and look into the matter. After meticulous examination of the case, interviewing the prosecutor general, head of Shush justice department, the judicial agents as well as visiting the detention centre and making a phone call to Mr. Bakhshi's family, the delegation rejected the torture claims. Unfortunately, once released, the aforementioned continued their provocative measures and had plans to agitate Haft Tappeh Company staff again and prompt them to form rallies and go on strikes in spite of

the fact that most of their outstanding salaries and dues had already been paid. They were again arrested on January 20, 2019 and currently are being held in formal detention centres of State Prison Organization while enjoying their full citizenship rights. Both were visited twice by their families on January 21, 2019 and February 7, 2019. During their detainment, Mr. Bakhshi and Ms. Gholyan have made eight and twelve phone calls to their families, respectively. They have been examined once by a physician with no reports of assault and battery in their medical certificates. Since most of those accused in this case have been charged with "the intention to overthrow the state and disrupt the public peace", they are currently being detained in Tehran and the Supreme Court has been requested to remand their cases to Tehran Public and Revolutionary Courts from Shush Public and Revolutionary Courts. We are still waiting for the decision of the Supreme Court. It should be noted there is no restriction for the charged individuals to meet their families.