



*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. 2050/58267

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 No. UA IRN4/ 2019 dated 7 May 2019 concerning Mr. [REDACTED] and Mr. [REDACTED] has the honor to transmit, herewith, the response of the Judiciary of the Islamic Republic of Iran in that regard.

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
Palais des Nations

OHCHR REGISTRY

23 MAY 2019

Recipients :..... **SPB**.....
.....
.....
.....

Islamic Republic of Iran
The Judiciary
High Council for Human Rights

Ref to the letter of UN High Commissioner for Human Rights on prescription of capital punishment for [REDACTED], the High Council for Human Rights hereby informed that as per the latest information received from Fars Province Justice Department, there were several criminal cases filed against the aforementioned convicts. They had sparked insecurity in the region through expression of uninterrupted evil behaviours and perpetration of crimes including forced breach of people's residence, property theft, raping at the point of cold steel, abduction and forced sodomy.

According to the explicit confessions recorded in their respective cases, they would stake out houses in which there were no adult males and would break in such houses via the roofs or breaking down the front doors, particularly during nighttimes to commit rape as well as theft at knife-point and intimidation of the occupants. When questioned by the inspector of the case on mechanism of their imputed crimes, Mr. [REDACTED] Pour stated **"we started this about three weeks ago. My friend and I would pick our targets well in advance. When we were sure there was a woman alone in the house, we would break in through the roof"**.

As per the case records, a female plaintiff stated **“it was at 10.30 pm that my 4-year old son had to use the bathroom and I took him there. When my son got back into the house, I stayed back to clean the bathroom. While washing the bathroom, I just heard a sound and suddenly appeared before me a boy wielding a knife. As I was to scream, He hit me on the head with the hilt of his knife that knocked me down to the floor. As he told me to get undressed my son came to the bathroom and screamed at seeing the scene. He took my son inside the house hall at knife-point and then pushed me in the house. My son again came out of his room and screamed. I begged the guy to stop....my son was terrified. He asked me to get undressed in front of my kid”**.

Another plaintiff has stated **“my son (a kid) and I were waiting for my father-in-law to come pick us up for going out. Then the door bell rang. Under the impression that his grandfather was at the door, my son opened it when two people rushed in. One of them said he had come to pick his pigeon that had come in our house. I asked him to stay out when his partner shut the door and they together forced their way in. They shut my mouth and threatened me with knives”**.

These are just parts of their crimes. When we look at their indictments, we come across multiple counts of persecution, rape, and forced sodomy with a 10-year old child, abducting an 8-year old child and abandoning him long away from home, burglary and intimidation of the public. A plaintiff has stated **“my mother was scared into miscarriage... we are still scared of going to the bathroom at nights since their break-in. My daughter does not stay at our house and chooses to keep the company with her older sister”**.

Upon receiving the complaints of the victims, the perpetrators were identified and arrested. Later, their charge sheet were sent to the Provincial Criminal Court following the completion of the investigation, hearing the statements of both parties as well as receiving the defence of the attorney of the accused (Mr. [REDACTED]). Having completed all due legal proceedings, receiving the statements of both the charged persons and their attorneys (Mr. [REDACTED]) and considering the report of Medical Examiner's Office which verified the mental maturity and sanity of the charged persons during the perpetration of imputed crimes, on April 29, 2018, the hearing court sentenced the charged persons to incarceration, lashes and capital punishment in form of sentence No. 970997120700069. Once served, this sentence was appealed by the defence attorneys and thus the case was assigned to the Supreme Court for decision making. Pursuant to Section 2 of Article 469 of the Penal Code, the Supreme Court overruled the sentence on the account of defective investigation process and remanded the case to the first court. To address the points raised by the Supreme Court and resolve the shortcomings of the case, the court of first instance scheduled another hearing session. During this session, the court received the statements of the prosecutor general, the plaintiffs, and the court advisor as well as the defence statements of both the charged persons and their attorneys as directed by the judges of the Supreme Court and then explained the same charges to the accused individuals. Having received the lasts defence statements of the charged persons, the court issued the same sentence again in form of Sentence No. 970997120700431 on October 29, 2018. The attorneys again lodged an appeal and the case was again sent to the Supreme Court to be heard without any prior appointment. On January 27,

2019, the Supreme Court affirmed the initial sentence in form of Judgement No. 9709970925400990. This sentence (capital punishment) was executed on April 25, 2019 in Adel Abad Prison of Shiraz. **It should be noted that the convicts were spared of lashes.**

Therefore, considering these explanations, the voluntary, explicit confessions of the convicts to their crimes during confrontations with victims as well as during questioning and proceedings, the undisputable circumstantial evidence and proofs discovered by Law Enforcement Agencies and timely serving of the attorneys with all the sentences, the commission of the imputed crimes by the convicts was undoubtedly proven by the Judiciary and thus the claims of lashing the convicts before the capital punishment or execution of the sentence without informing the convicts' families are clearly wrong and inadmissible.