



*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

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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 latter's communication No. UA IRN dated 28 June 2019, has the honor to transmit, herewith, the comments of the Judiciary of the Islamic Republic of Iran regarding Mrs. Nazanin Zaghari, Mr. Kamran Ghaderi and Mr. Ahmad Reza Jalali.

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.

Geneva, 22 October 2019



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

Tehran Justice Department's statement Regarding *Mrs. Nazanin Zaghari, Mr. Kamran Ghaderi and Mr. Ahmad Reza Jalali*

Ref to the letter regarding the 'Joint Urgent Call of a Number of Rapporteurs Concerning *Mrs. Nazanin Zaghari, Mr. Kamran Ghaderi and Mr. Ahmad Reza Jalali*', we would like to draw your attention to the following points:

Firstly in accordance with Article 989 of civil law of the Islamic Republic of Iran, In case any Iranian subjected acquired foreign nationality, with the observance of provisions and law his foreign nationality will be considered null and he will be regard as an Iranian subject.

Secondly the laws of the Islamic Republic of Iran apply over the crime irrespective of nationality and solely based on relevant laws.

We believe that, this is a politically motivated, biased and tendentious allegations that "*the detention of the aforementioned people reveals a pattern of arresting persons of dual nationality or foreign nationals on accusations which essentially are not pertinent to national security*".

A. Regarding Mrs. Nazanin Zaghari,

Although we gave a full account of her case in a letter responding to the inquiries of the Secretary General and the Special Rapporteur, a brief account is given below:

Fact: Upon the receiving of a number of documents and proofs that while during her stay in Kerman province, she had been engaged in acts that would jeopardize the national security, Mrs. Nazanin Zaghari was detained in Tehran's airport based on an judicial order and sent back to the place where the crime was committed (Kerman province) for further investigations of the charges levelled against her. Iranian laws define Mrs. Nazanin Zaghari as an Iranian citizen and do not recognize her foreign nationality. It should also be noted that it is an unfounded baseless allegation that there is a ban on her daughter's leaving the country to be reunited with her father.

Mrs. Nazanin Zaghari is presented and as far as her general health is concerned, she is regularly sent to medical centers out of the prison and has access to prison facilities like any other inmates. From the date of entering the prison, she has met her family members more than 200 times and once was granted a 3-day furlough (from August 23, 2018 to August 26, 2018). It should be noted that she can make phone calls all day long. So far, she has been sent tens of times outside the prison to receive diagnostic and treatment services, including but not limited to visits by neurology surgeons, breast surgeons, dentists, physiotherapists, psychiatrists and receiving MRI, mammography and ultrasounds. She has also been sent to Iran Mehr hospital (7 times to receive neurology surgeons, breast surgeons and MRI services), [REDACTED] dentist's office (8 times), Atieh hospital (22 times, for orthopaedic and physiotherapy services)

and School of Behavioural Sciences & mental health (15 times, for psychiatric counselling). As regards her complaint of chronic cervical pain that branches away to the shoulders, it should be noted that, this disease has been exist_18 months prior to entering the prison. However, all diagnostic measures such as MRI, and Electromyography (EMG) were adopted and she was also visited by a neurology surgeon of her choice in Atieh hospital. Having concluded the diagnostic process, the treating doctors reported that she did not have any neurological symptoms and prescribed medications and 20 physiotherapy sessions for her which were administered on time. Later, once she again complained of the same pain, she was told by the treating physician to repeat her former prescription and visit the infirmary to receive physiotherapy services, she opposed and instead insisted on going out of the prison for such a treatment. However, in view of the measures taken in the prison and her refusal to cooperate as well as her insistence of pursuing her treatment outside the prison, she was introduced to the Medical Examination Commission upon the discretion of judicial authorities to decide if she was in need of further medical and treatment care. As per the judicial instructions, she was introduced to this Commission to receive specialized nuero-cerebral counselling as well as psychiatric and general surgery services which are currently ongoing.

B. Mr. Kamran Ghaderi,

He was arrested and sentenced to 10 years of imprisonment on the charge of 'collaboration with the hostile state of the United States' based on Sentence issued on June 30, 2016. He started serving his term on January 2, 2016 in Evin Detention Centre which is scheduled to run by January 4, 2026 as he was given a

56-day reprieve due to his medical condition (as verified by the Special Commission of Medical Examination Board). As already stated on several occasions, Principle 38 of Iran's Constitution provides for strict prohibition of torture in any manner or by any means. Furthermore, Articles 570, 578, 579 and 587 of Iran's General Punishment Code as well as relevant Articles of Honouring Legitimate Rights and Safeguarding Citizenship Rights Act provide for harsh punishment of those resorting to torture or other unlawful conducts during interrogation. Moreover, in association with provincial boards, the Central Oversight Board is consistently engaged in performing required overseeing and inspection procedures to oversee perfect execution of laws pursuant to Article 15 of the Executive Bylaw and shall duly deal with any case of violations. Therefore, the allegations of torture or prolonged interrogation sessions are totally inadmissible and strongly denied. He has been visited by his attorneys and his family members on 41 occasions (in-person and intercom-booth). He also has been sent to external medical centers on 25 occasions while he has had easy, unconditional access to the infirmary and the prison doctor. It should be noted that if the prison specialized facilities and means are found wanting for treating the inmates, the Article 13 of Prisons and Educational and Security Measures Act (passed in 2010) prescribes dispatching them to treatment and medical facilities outside the prison round the clock which is also the case for other inmates. To examine his physical conditions to determine if he could tolerate the imprisonment sentence, his case was reported to the Medical Examiner office. A commission of 3 manned by a medical examiner, an orthopaedist and a neurosurgeon was convened on January 2, 2018 and made the following statement "he suffers from Intervertebral Disc Herniation (IDH) at L5 and a bone

tumour at left superior epiphysis of the femur. His current condition does not require any desperate therapeutic measure. However, he must avoid hard tasks at prison and be visited periodically by a relevant specialist”. On the same day, he was admitted to Atieh Hopsital to make arrangements for a lumbar discectomy (LD). Following the surgery and upon the discretion of the Medical Examiner, he was granted a furlough from February 21, 2018 to February 25, 2018 and also received a reprieve of 56 days from February 25, 2018 to April 22, 2018. Later, to again examine his physical conditions to determine if he could tolerate the incarceration sentence, his case was reported to the Medical Examiner office. A commission of 3 manned by a medical examiner, an orthopaedist and a neurosurgeon was convened on April 17, 2018 and made the following statement “After LD surgery, he has been in stable condition. Subject to the observance of preventive measures (avoiding demanding tasks and using sitting latrines) there are no grounds for exemption from incarceration. Since the tumour detected at left superior epiphysis of the femur is benign, he must report to a medical center in case of tumour enlargement or experience of pain”. For this, he has constantly been under medical surveillance and frequently sent to external specialist and super-specialist centers. The results of his regular radiographies have been sent to the Medical Examiner Office for better management and oversight. This refutes the allegations of denial of post-surgery care. Also, his clemency (amnesty) appeal has been recorded in the docket of the Punishment Amnesty, Commutation and Substitution Commission of Tehran’s Justice Department.

C. Mr. Ahmad Reza Jalali,

It should be noted that capital punishment is reserved only for the gravest crimes such as **engagement in assassination and espionage efforts** in the laws of the Islamic Republic of Iran. Trial sessions of those charged with such grave crimes are convened with special sensitivity attended by the General Prosecutor's office, the charged individual(s) and their counsel(s) of choice. The sentences of such trials are issued after convention of the required sessions and the administration of due process. These trials shall be in session if only attended by the attorney of the charged individuals. This renders null and void the decisions of any unrepresented trial and the Supreme Court would overrule any such sentence.

Mr. Ahmad Reza Jalali was arrested in 2016 on the charge of collaboration with the Mossad and later confessed to his crimes both in the court and in the General Prosecutor's office. The aforementioned person provided the Mossad with the names and details of **30** distinguished Iranian nuclear scientists, as a result of which two of our scientists (**Martyrs Shahriari and Ali Mohammadi**) were assassinated by the agents of the Mossad. Mr. Jalali was paid about **250,000 €** by the Mossad for his services. The aforementioned was trialled in two hearings attended by the president of the court, two advisors, his lawyer and the representative of the Prosecutor General. His attorney attended all the questioning sessions. At the end of each session, the attorney would present his observations in form of letter of defense to the presiding judge. During the first months of detention, he met the judge 16 times, his relatives 9 times and had 35 phone conversations with his family members plus regularly meeting his attorney.

Following the conclusion of the investigations, his case was sent to a court when Mr. Jalali introduced another attorney. The latter received the file papers on May

27, 2017 and returned them on June 10, 2017 with a note acknowledging the receipt and study of the papers. He subsequently presented a 21-page letter of defense (Mr. Jalali had already presented a 20-page bill of defense with 220 pages of appendices). Having meticulously and methodically examined the bills of defense, defense statements and the file documents and proofs, the court issued the sentence in compliance with Article 498 of the Islamic Penal Code and served the attorney with the sentence on October 18, 2017. The attorney objected to the sentence on November 5, 2017 and lodged an appeal within the 20-day deadline. His appellation to sentence was in form of a 19-page letter of defense and thus the file was sent to the Supreme Court. The Supreme Court affirmed the sentence of the court of initial sentence on December 2, 2017 after perusing the entire file content (bills of defense, defense statements and the file documents and proofs), citing no viable grounds for overruling the initial decision. It is thus concluded that the due process was applied to this case (from initial investigations to the sentence of the court of first sentence to affirming of the sentence by the Supreme Court) with the attorney present at all the stages of the proceedings. Also, this is baseless allegation that the Qom Division of the Supreme Court banned any revision of the case.

It should be noted that during his imprisonment in Evin Detention Centre, the aforementioned had had easy access to all the facilities of the prison such as making phone calls, access to the press and meeting his family members. Contrary to the allegations of being banned from enjoying medical services or being visited by a doctor, he has enjoyed all the health and therapeutic services provided in the prison. He also has been sent to external medical centers to run tests or to be visited by internal specialists when proved necessary. At the very

start of his term, he was visited by the infirmary doctor. He used to take Chlordiazepoxide (under the trade name Librium, an anxiolytic agent) according to his remarks, his medical history, the infirmary doctor's statement and the content of the health form he filled at the first day of imprisonment. To verify the necessity of administration of this drug, he was reported to a psychiatrist. Who visited the convict on November 23, 2016 and prescribed him, the drugs to relieve his anxiety. As regards psychological counselling, he received psychological and living hope counselling service on May 6, 2018 in a visit of the infirmary psychologist. Despite the fact that he had withdrawn from administration and control of anxiolytic agents, the psychologist again reported him to a psychiatrist upon the diagnosis of stress and anxiety coupled with insomnia to receive medication for his condition. Later, he was again visited by a psychiatrist and was put on a medication course. Hence, the doctors and the Medical Examiner office have asserted that he has received all the required therapeutic and diagnostic facilities of the prison in full compliance with the Prison Executive Bylaw. Moreover, the Medical Examiner has not reported his affliction with any disease or medical conditions.

Finally, it is noted that the Prisons and Educational and Security Measures Act requires impartial provision of all inmates with the required therapeutic and health services and thus the authorities and officials solemnly honour the rights of inmates to mental and physical health.