



*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. 2050/534476

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 13/2020 dated 16 June 2020 has the honor to transmit, herewith, the comments of the Judiciary of the Islamic Republic of Iran regarding **Mr. Ahmadreza Djalai** and **Mr. Massud Mossaheb**.

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, 31 August 2020



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In the Name of God, the Most Compassionate, the Most Merciful

Comment

By

The High Council for Human Rights

Of the Islamic Republic of Iran

Regarding

Mr. Massud Mossaheb and Mr. Ahmadreza Djalali

With reference to announcement dated 12 August 2020 of the Tehran Province Justice Administration, Mr. **Massud Mossaheb**, born to Mahmoud, charged with collaboration with the Zionist regime of Israel and espionage for Germany and acquisition of illicit money amounting to \$429,000, has been sentenced to two ten-year imprisonment terms for two counts of espionage, as well as another two-year imprisonment term on charge of acquisition of illicit asset and restitution thereof. The judgment was re-examined by Division 36 of Tehran Province Court of Appeals, which has recently upheld it in application of Article 134 of Islamic Penal Code. It is noted that in light of application of Article 134 of Islamic Penal Code, only the ten-year imprisonment term and restitution shall be enforced.

Furthermore, with regard to the case of Mr. **Ahmadreza Djalali**, it is hereby informed that the aforesaid was arrested in 2016 on charges of collaboration with the Israeli spying services, who pleaded guilty during questioning at the prosecutor's office and during court hearing. The abovenamed had handed a list containing the names of 30 prominent nuclear scientists to the Israeli spying service, as a result of which two Iranian scientists (Messrs. Majid Shahriyari and Massoud Ali Mohammadi) were assassinated by the Zionist spying service agents. Mr. Djalali had received €250,000 in return for the Israeli spying services' mission. The hearing for the aforesaid was held in two sessions in the presence of a presiding judge, one solicitor, one defense attorney and the prosecutor's representative. He was visited by his attorney twice ahead of court hearing. The court of first instance sentenced Mr. Djalali to the death penalty on charges of corruption on Earth through collaboration with the Zionist spying service. The judgment was then made final on 2 January 2018 by the Supreme Court and served on the defense attorney. During his imprisonment in Evin Prison, the aforesaid has enjoyed all facilities including telephone, press and family visits.

Meantime, as it was noted in Letter No. 36930, dated 29 July 2020: In response to allegations raised concerning any maltreatment meted out thereto, please be advised that:

First and foremost, allegations of torture and confession under duress are unsubstantiated because the judgment has been issued based upon undeniable documents and evidence affixed to the file. Furthermore, pursuant to Article 38 of the Constitution, the Islamic Republic of Iran has

banned torture; and, any confession under duress and maltreatment shall be rendered null and void. Moreover, by virtue of Articles 570, 578, 579 and 587 of Islamic Penal Code as well as the single-clause law on Respecting Legitimate Freedoms and Safeguarding Citizens' Rights, the perpetrators of confession under duress and other instance of maltreatment shall be subject to heavy punishment. Meantime, for the purpose of the proper enforcement of the aforementioned law, pursuant to Clause 15 of Executive Directive, the Central Supervisory Board, in collaboration with provincial supervisory boards shall be responsible for conducting necessary supervision and inspections and take legal action against any violations or offense to that effect.

Second, as it has been already announced, the judgment pronounced against Mr. Djalali has been issued pursuant to rules and regulations effective and after being accorded due process of law, thereby benefiting from defense attorney and legal advisor. Therefore, the Arbitrary Arrests Working Group's view (No. 92/2017, enacted on 24 November 2017) on the arbitrary nature of arrest or punishment meted out thereto - irrespective of *actus reus* and unlawful acts committed by the aforesaid - is biased and indicative of ignorance of realities on the ground.

Third, given the fact that Mr. Djalali has failed to meet requirements set forth in directives signed off on by the Chief of the Judiciary, he is not qualified to be granted furlough.

Forth, the aforesaid is claimed to be suffering from leukemia. That is while the State Prisons and Security and Corrective Measures Organization has announced the absence of any document and evidence to that effect. Rather, he was diagnosed with minor anemia, which has improved after administration of supplements. The aforesaid has been transferred to Baqiatollah Hospital on multiple occasions for treatment due to digestive diseases, for the re-examination of which arrangements have been made. No document has also been produced to prove alleged COVID-19 contraction. Similar to every other prisoner and notwithstanding crime and the nature thereof, the aforesaid has had easy and quick access to prison's healthcare centre and doctor 24 hours a day. In case of insufficiency of specialised equipment facilities in prison for treatment, in application of Article 103 of Bylaw of the State Prisons and Security and Corrective Measures Organization, enacted in 2010, the aforesaid was able to be moved out of prison for treatment at any time of the day or night.