



*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 22/2020 dated 21 September 2020 concerning Messers. **Mostafa Salehi, Navid Afkari, Majid Nazari, Hadi Kiani, Mehdi Salehi, Abbas Mohammadi, Mohammad Bastami, Habib Afkari and Vahid Afkari**, has the honor to transmit, herewith, the comments of the High Council for Human Rights of the Islamic Republic of Iran regarding those cases.

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, 29 October 2020



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In the name of God, the Compassionate, the Merciful

Comment by the

High Council for Human Rights

Of the Islamic Republic of Iran

Regarding Messrs. Mostafa Salehi, Navid Afkari, Majid Nazari, Hadi Kiani, Mahdi Salehi, Abbas Mohammadi, Mohammad Bastami, Habib Afkari and Vahid Afkari

With regards to allegations to the letter received from the Human Rights Council's Special Procedures and allegations numerated therein, and considering verdicts issued against the perpetrators and instigators of insecurity during riots in Fars and Isfahan provinces, this is to hereby note that:

As per the announcement of the Isfahan Justice Administration regarding the riots and incidents of January 2018, which led to chaos and insecurity and shattered public peace in certain towns and cities of Isfahan province, disciplinary and judicial authorities reviewed the causes of the incidents and took action to deal with the perpetrators and chief instigators of insecurity. During the course of the riots, the rioters - through show of power by causing fear amongst ordinary citizens and intimidation thereof with hunting firearms and armes blanches in addition to hooliganism, violence and clashes - fired bullets and threw rocks at police officers and impeded the flow of civilian traffic, threatening to brandish armes blanches (including but not limited to long and wide double-edged fighting knives), which ultimately led to the deliberate murder and injuries of a number of civilians as well as fires and caused substantial damage to public and private property. Subsequently, with the aim of controlling the situation and restoring security, police took action to identify and detain the rioters disrupting civilian peace and security, and following due process of law and with full observance of the principles of fair trial, the perpetrators were prosecuted by judicial authorities.

Cases relating to Messrs. Majid Nazari, Hadi Kiani, Mahdi Salehi, Abbas Mohammadi and Mohammad Bastami are detailed as hereunder:

- Majid Nazari, [REDACTED]

- Hadi Kiani, [REDACTED]
- Mahdi Salehi, [REDACTED]
- Abbas Mohammadi, [REDACTED]
- Mohammad Bastami, [REDACTED]

During the course of the riots of January 2018 in Isfahan province, the abovenamed were charged of a) spreading corruption on Earth through collusion with the aim of disrupting public security and spearheading the rioters which resulted in the disruption of public order and disturbance of public opinion in order to instigate deliberate damage to public and private property, b) armed rebellion against the State through the use of hunting weapons in the riots and firing bullets at law enforcement officers, c) *muhariba* (waging war against God) through the use of firearms; moreover, considering the lawsuit filed by legal representatives of the Municipality, the Director of the damaged Bank of Saderat in Isfahan and the CEO of the damaged Interest-Free Loan Fund in the town of Juyabad and with regards to the eyewitnesses' affidavits and the footage recorded by CCTV cameras at the crime scene as well as explicit confessions and statements by the defendants, Branch 3 of Isfahan Prosecutor Office issued verdict No. 967 on 8 February 2020 after hearing the defense provided by the aforesaid and their lawyers:

A double death sentence in compliance with Article 132 of the Islamic Penal Code on the charge of waging war against God as well as the charge of armed rebellion against the State; a 5-year discretionary imprisonment including the previous detention time in observance of the Note to Article 287 of the Islamic Penal Code on the charge of spreading corruption on Earth considering that the actions of the abovenamed did not cause enormous disruption to public order and widespread insecurity.

Following the appeal of the convicts and their attorneys, the issued verdict was reviewed by Branch 19 of the Supreme Court. The said court, via verdict No. 826 dated 13 May 2020, rendered the appealed verdict to be in compliance with the formalities and principles of judicial procedure; and considering the statements by the said defendants at investigation stages and the grievances of the plaintiffs as well as the statements, the issued verdict was ruled as not being divergent from Article 464 of the Criminal Procedure Act and the verdict was confirmed and upheld.

This is while as per the opinion of the Supreme Court branch and in case of the preconditions required for declaration of amnesty, commutation and mitigation, the verdicts issued regarding the aforesaid convicts may be reviewed by the amnesty commission in compliance with the relevant regulations.

Therefore, with a view to Islamic clemency and the observance of the principle of tolerance, the aforesaid persons may benefit from mitigation and commutation of sentence; and, the High Council for Human Rights shall extend its cooperation in compliance with regulations to attain this goal.

With regards to the conviction of Mr. Mostafa Salehi, it is hereby notified that the aforesaid, [REDACTED], [REDACTED], on charges of aiding and abetting willful murder of [REDACTED] and causing deliberate injuries with hunting gun bullets to six people during the course of the riots of January 2018 in the town of Najafabad in Isfahan province, and considering the grievances filed by private plaintiffs, particularly by [REDACTED] [REDACTED] as well as by other bullet-wounded victims, Branch 1 of Isfahan Criminal Court, via verdict No. 451 dated 2 March 2019, after hearing his defenses and those of his lawyer, and considering the confession of the abovenamed regarding participation in the riots and the witnesses' affidavits and wounded victims, has sentenced the aforesaid to *qisas* (death penalty) for the willful murder as well as to payment of *diya* (blood money) to the plaintiffs of the case. The issued verdict after the appeal of the convicted person and his lawyer was reviewed by Branch 9 of the Supreme Court, and considering the statements by the said defendant at the investigation stages and also the lawsuits filed by the plaintiffs as well as the documented statements, the said branch, via letter No. 538 dated 14 October 2019, rendered the appealed verdict as lacking significant errors and on the strength of Part A of Article 469 of the Criminal Procedure Act, the verdict was confirmed and upheld. Moreover, it must be emphasized that considering the insistence of the [REDACTED], *qisas* against the aforesaid person was executed at the dawn on 5 August 2020.

With regards to the conviction of Afkari brothers in Shiraz, namely Navid, Vahid and Habib, and also implementing the death penalty verdict against one of the said persons named "Navid Afkari", notified in Letter No. 37132 dated 14 September 2020, as per the announcement of the Fars Justice Administration, according to a police report on 2 August 2018 regarding the incidence of battery and bodily injuries at 23:00 on the same date in one of the streets of Shiraz, a person named [REDACTED] was stabbed with a knife and due to the severity of the wounds, he passed away after being transferred to hospital. Subsequently, after the filing of the paperwork and identification of the possible perpetrator, a suspect named "Navid Afkari" was arrested and the said person confessed to the ascribed crime. The Shiraz Prosecutor's Office filed a lawsuit and issued the writ of summons to the said suspect and his

brother Vahid Afkari; the case was subsequently sent to Branch 1 of Fars Province Criminal Court.

The said court, after hearing the defenses of the abovenamed and their assigned lawyers, and in compliance with the legal formalities, as per verdict No. 447 dated 6 October 2019, the first defendant “Navid Afkari” was sentenced to *Qisas* for willful murder, and the second defendant “Vahid Afkari” was sentenced to 25 years of discretionary imprisonment including previous detention time over aiding and abetting willful murder. After appeal, the issued verdict was reviewed by Branch 39 of the Supreme Court and finally, as per verdict No. 200 dated 25 April 2020, the verdict was confirmed and upheld without modifications thereto.

Regarding the other part of the ascribed crimes concerning waging war against God through establishing and spearheading a four-member anti-Establishment group (consisting of Messrs. Navid, Vahid and Habib Afkari with the aim of disrupting the security, engaging in negative publicity against the State, collusion and assembly with the aim of committing crimes against civilian lives and property, collusion and assembly with the aim of committing crimes against national security, deceptively instigating people to fight and kill each other with the aim of disrupting national security by participating in the riots on 2 August 2018 in order to cause insecurity in the society, and causing intimidation, fear and panic amongst people, Branch 1 of Shiraz Court , reviewed the ascribed crimes and heard the aforesaid persons’ defenses and those of their appointed lawyers and public defenders, as per the criminal procedure and Article 514 of the Islamic Penal Code, on the charges of waging war against God, causing corruption on Earth, the willful murder of [REDACTED] and insulting high-ranking government officials, the sentences of death penalty and two years’ imprisonment were handed to Navid Afkari; and, on the charge of aiding and abetting murder, Mr. Vahid Afkari was sentenced to 25 years in prison; and, on the charge of insulting high-ranking government officials, he was sentenced to 2 years of discretionary imprisonment on the strength of Article 514 of the Islamic Penal Code.

Mr. Habib Afkari, on the charge of disrupting public order, was sentenced to 1 year in prison and 74 lashes; and, on the charge of insulting agents, the aforesaid was sentenced to 9 months in prison; and, on the charge of slander against agents, the abovenamed was sentenced to 4 years and 6 months of imprisonment; and, on the charge of inflicting willful bodily injuries using sharp objects, the aforementioned was sentenced to 2 years and 6 months in prison and payment of *Diya* (blood money) to the private plaintiffs; and, on the charge of collusion and assembly with the aim of committing a crime, the aforesaid was sentenced to 7 years and 6 months in prison.

It is worth noting that the verdicts issued by the said branch are not definitive and may be appealed at provincial appellate courts. It is also worth emphasizing that considering the

definitiveness of the verdicts issued regarding the conviction of Mr. Navid Afkari, the obtained permissions, and the request of the [REDACTED] for facilitation of *Qisas* (death penalty), the verdict issued against the abovenamed was ultimately carried out at the dawn on 12 September 2020 at the Adelabad Prison in Shiraz. Furthermore, please be advised that:

1. The defendants, Navid Afkari and Vahid Afkari, had been assigned a lawyer for the duration of their trial, both at the stage of investigations by the Prosecutor's office and at the court; and, they confessed to their crimes orally and in writing in the presence of their attorney;
2. The footage recorded from the scene of the crime confirms the charges against the aforesaid;
3. The review of telecommunications data confirms the crimes ascribed to Mr. Navid Afkari;
4. Several friends of the convicts have confirmed the identity of the aforesaid in the footage recorded at the crime scene;
5. Mr. [REDACTED] was a regional employee of Shiraz Water Organization who has a teenage son and two underage daughters as well as old parents;
6. The convict, Navid Afkari, together with his brother, Habib Afkari, had participated in the riots in previous years as well. During the 2018 riots, Habib Afkari had inflicted bodily injuries on a police officer using a cutter. The victim's leg was sutured with approximately 200 stitches;
7. According to the investigations, the convict, Navid Afkari, intended to assassinate another person as well, but due to irregular traffic, his assassination plot was not successfully carried out; and
8. The charges against the convicts were reviewed by the court in a public trial in the presence of their family members and lawyers.

With all rights and privileges appertaining thereto.