



*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 in reference to the latter's Communication No. AL IRN 27 / 2020 dated 24 December 2021, has the honor to transmit, herewith, the comments of the Judiciary of the Islamic Republic of Iran regarding **Mr. Soheil Arabi** and **Ms. Farangis Mazloun**.

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 09 February 2021



Office of the United Nations
High Commissioner for Human Rights
Palais des Nations
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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

Concerning Soheil Arabi and Farangis Mazloom

With reference to communication on the cases of Soheil Arabi and Farangis Mazloom, the latest situation of the abovenamed are outlined as hereunder:

a) Upon announcement by the Tehran Public and Revolutionary Prosecutor's Office, **Soheil Arabi** was sentenced to five years of discretionary imprisonment for sacrilege to religious sanctities, launching a propaganda campaign against the Establishment and public order and insulting the public sanctities. The abovenamed was also given a two-year prison term for disseminating falsities to disrupt public opinion and propaganda against the State as well as IRR40,000,000 of pecuniary fine and two years of exile in the city of Borazjan. As for destruction of public properties, the aforementioned has been sentenced to 20 months in prison. His prison term for crimes attributed thereto began on 8 August 2018; the said sentence is scheduled to come to an end on 7 April 2025.

b) **Farangis Mazloom** is accused of launching a propaganda campaign against the Establishment and public order. The aforesaid, however, is currently released on bail after court accord.

Please be advised that – as for health conditions of the abovenamed and their access to medical and health facilities – similar to every other prisoner and notwithstanding *actus reus* and the nature thereof, the abovenamed enjoy full access to prison's healthcare centre and specialised doctors 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 were able to be moved out of prison for treatment at any time of the day or night.

Meantime, in response to allegations raised appertaining to arbitrary detention and torture of the abovenamed and any maltreatment meted out thereto, please be advised that 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. Any violation of such principle shall face punishment. Furthermore, by virtue of Article 578 of the Islamic Penal Code, any civil servant or judicial or non-judicial agent who corporally mistreats and abuses an accused person in order to elicit confession – in addition to *lex talionis* and *diya* – shall be subject to six months to three years of imprisonment; and if it is executed under someone's order, only the person who has issued the order shall be sentenced to the aforementioned prison term; and if the accused person is pronounced dead as a result of the abuses and maltreatment meted out thereto, the principal to the murder shall be sentenced to the punishment provided for a murderer.

By virtue of Paragraph 1 of the Law of Honouring Legitimate Freedoms and Upholding Citizens' Rights, prosecution, conducting investigations and issuing arrest warrants shall be in full compliance with rules and regulations. The said Law also prescribes severe punishments for those who misuse power, perpetrate torture, mete out preferential or biased treatment or make unnecessary arrests. Paragraph 9 of the said Law strictly prohibits any forms of torture to elicit forced confessions. Any confession obtained under duress, pursuant to the abovenamed Law, is ergo rendered null and void and has no legal standing. Moreover, please be advised that legal proceedings are brought against perpetrators of crimes pursuant to rules and regulations of the country and in full compliance with the Islamic law as well as the Constitution. The abovenamed, similar to ever other convicts, have been accorded due process of law.

In application of Article 50 of the Penal Procedure Code, the detainees benefit access to telephone and can communicate with or inform family members about detention, the facilitation of which is incumbent upon law enforcement officers. Only under extraordinary circumstances can law enforcement officers determine that the detainee should be denied access. In such case, they have to inform the Judiciary so that the judicial authority decides whether the detainee can or cannot enjoy access to telephone.