



*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. AL IRN 18/2021 dated 25 June 2021 concerning Habib and Vahid Afkari, has the honor to transmit, herewith, the comment of Judiciary 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.

Geneva, July 2021



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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. Vahid and Habib Afkari**

Mr. **Vahid Afkari Sangari**, was identified on 2 August 2018 on the charge of aiding and abetting in battery, bodily injuries as well as willful murder of a person named [REDACTED]. Upon the arrest of the main perpetrator, identified as Navid Afkari, who was his brother, the abovenamed provided an express confession to crimes attributed thereto. Subsequently, their cases were 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 legal formalities, sentenced Vahid Afkari to 25 years of discretionary imprisonment – previous detention period deducted – over aiding and abetting willful murder. After appeal, the issued verdict was reviewed by Branch 39 of the Supreme Court. Finally, the verdict was confirmed and upheld without modifications thereto. The abovenamed – with regards to the other part of the ascribed crimes concerning assembly with the aim of committing crimes against civilian lives and property, collusion and assembly with the aim of committing crimes against national security through participation in riots held on 2 August 2018 – stood trial at Shiraz Revolution Court. The said Court reviewed the ascribed crimes, heard defenses of the aforesaid and those of his attorney, and sentenced him to two years of discretionary imprisonment. This is whilst the abovenamed has a long and documented history of wickedness and convictions, which bear a fitting testament to moral and behavioral abnormalities thereof – some of which are outlined as hereunder:

- On 23 December 2018, the abovenamed – on the strength of Article 696 of the Islamic Penal Code – was sentenced to one year in prison, payment of *diya* (blood money) to a private plaintiff by whom he was forgiven and subsequently set free on 19 December 2019;
- A bill of indictment, dated 7 February 2019, was filed against the aforesaid by Branch 8 of Shiraz Chief Prosecutor’s Office for launching a propaganda campaign against the State, corruption on Earth through committing widespread crimes against national security, insulting sanctities including the Leader of Iran’s Islamic Revolution, collusion and assembly with the purpose of committing crimes against the internal security of the State, as well as deceptively instigating people to fight and kill each other with the aim of disturbing the security and order of the country;
- The abovenamed was sentenced to seven months and fifteen days of imprisonment on 6 March 2021 for aggravated robbery, defamation, preparing the means to commit crimes, collusion and assembly with the purpose of committing crimes against civilian lives and property;
- The aforesaid stood trial for breach of trust and was imprisoned for six months on 17 August 2019; his sentence came to an end on 12 June 2020; and
- On 17 August 2019, Branch 27 of Provincial Appellate Court set a 1,000,000,000 Rials bond for the aforesaid on charges of taking part in illegal assemblies, insulting officers and resisting on-duty State agents, providing assistance for the wrongful exoneration of a suspect and obliterating *corpora delicti*, participating in aggravated robbery, battery and inflicting injuries with a sharp object, as well as collusion and assembly with the aim of committing crimes.

Mr. **Habib Afkari Sangari**, stood trial for disrupting public order by participating in riots held on 2 August 2018 with the aim of creating insecurity in the society and striking fear and terror into public, launching a propaganda campaign against the State, insulting the sanctities including the Leader of Iran’s Islamic Revolution, assembly and collusion with the purpose of committing crimes against national security. The Court – after reviewing

crimes attributed thereto and hearing defenses of the aforesaid and those of his attorney – sentenced him to seven years and six months in prison for collusion and assembly with the purpose of committing crimes; and, on the charge of disrupting public order, the abovenamed was sentenced to one year of discretionary imprisonment; and, on the charge of deliberate bodily injuries using a sharp object, the aforesaid was sentenced to two years and six months in prison and payment of *diya* to the private plaintiffs.

The convict, together with his brother, has a long and documented history of wickedness and convictions which bear a fitting testament to moral and behavioral abnormalities thereof – some of which are outlined as hereunder:

- The abovenamed has participated in multiple riots. During the 2018 riots, he inflicted bodily injuries upon a police officer using a cutter. The victim's leg was sutured with approximately 200 stitches;
- The aforesaid was fined 6,000,000,000 Rials on 27 July 2019 for smuggling of commodities and foreign exchange. His sentence came to an end on 18 April 2021; and
- The abovenamed was sentenced on 6 March 2021 to four years of discretionary imprisonment and payment of *diya* for collusion and assembly with the aim of committing crimes against civilian lives and property, participating in aggravated robbery, insulting agents and resisting arrest as well as preparing the means to commit crimes.

### **Health Condition of the Aforesaid**

The abovenamed prisoners, like each and every other inmates, enjoy unhindered access to medical and treatment services as well as facilities offered thereto in prison. They can also refer to treatment centres situated outside the prison, if need be. Physical and mental conditions of the aforesaid are also acceptable. It is worth mentioning that considering the necessity of abiding by health guidelines issued in response to the COVID-19 pandemic, they have – on a regular basis – been visited by general practitioners, psychiatrists, psychologists as well as dentists, and prescribed necessary medicines.

## **Prison Conditions**

The Afkari brothers enjoy all necessary services and facilities provided thereto based upon the Executive Bylaw of the State Prisons and Security and Corrective Measures Organisation. Their current prison cell – in which there are amenities including but not limited to TV, bed, carpet, blanket, bathroom, toilet, ventilation, ceramic walls – can accommodate five inmates therein and is 120 square meters. In addition to having access to prison clinic, market and barberry as well as periodical check-ups, the abovenamed has met their family members either in intercom stations or in person. They have even had conjugal visits. Since 12 September 2020 to 5 April 2021, Vahid and Habib Afkari has had 76 and 107 visits through intercom stations respectively. The two have also had 7 in-person visits. CCTV Footage distributed in social media about the prison cell and their unhindered access to services offered thereto render null and void any accusations raised by enemy media outlets.

Furthermore, with regards to public phones, the aforesaid had access to such facilities from the very commencement of their incarceration up until 13 September 2020. However, by virtue of a judicial order, restrictions were imposed on their access to public phones because the two had embarked upon dissemination of audio recordings in which they mendaciously – with the help of their family members and enemy media outlets, and with the purpose of deceptively instigating people and public opinion – claimed that they were tortured, held in solitary confinement and beaten. The abovenamed were suggested on multiple occasions to provide guarantees that they would not record and disseminate false information on social media and through enemy outlets should the two seek unrestricted access to public phones – but to no avail.

At the end, please be advised that:

1. Explanations provided hereinabove, full abidance with principles of fair trial, and allocation of necessary services and facilities thereto all indicate that accusations raised by the Special Rapporteurs suggesting solitary confinement of the convicts, lack of access to health and medical facilities as well as impediments to and ban on family visitations are totally devoid of any standings and are therefore declared utterly unsubstantiated;
2. The defendants 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 crimes attributed thereto orally and in writing in the presence of their attorney;

3. The footage recorded from the *locus delicti* confirms the charges against the aforesaid;
4. Several friends of the convicts have confirmed the identity of the aforesaid in the footage recorded at the *locus delicti*;
5. The deceased ██████████ was a regional employee of Shiraz Water Organisation who had a teenage son and two underage daughters as well as old parent;
6. The charges against the convicts were reviewed by the Court in a public trial and in the presence of their family members and lawyers;
7. The convicts had an improper history of moral and ethical record. During the trial, they maltreated their lawyers on several occasions. Based upon express confessions provided by the aforesaid, they have scribbled over the walls anti-Establishment graffiti on multiple occasions. The abovenamed were also going to set aflame religious sites and offices of several *Marja al-Taqlid* (religious authorities to be followed who are sources of emulation and religious devotion), but they failed to do so.