



*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. 2050/1037881

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 31/2021 dated 22 November 2021 concerning Mr. Payam Derafshan, has the honor to transmit, herewith, the comment of the High Council for Human Rights of 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, 13 January 2022



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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 Mr. Payam Derafshan

In response to a joint communication from special procedures dated November 22, 2021 concerning Mr. Payam Derafshan, the comment by the High Council for Human Rights of the Islamic Republic of Iran reads as following:

Mr. Payam Derafshan was detained on June 8, 2020 on the following charges:

Engaging in propaganda against the Islamic Republic of Iran in cyberspace (Instagram), assembly and collusion to commit crime against national security through extensive cooperation with anti-Government media, disseminating false information about the Gharchak prison through interview with BBC, as well as possessing (carrying) unauthorized tear gas and taser. During his detention, ethical standards and the ruling of the relevant judicial authority were fully observed.

After completing all legal proceedings and due process of law (fair trial) by the Tehran Court, Mr. Derafshan was acquitted of propaganda charges against the Government and also of charges on assembly and collusion in order to commit a crime against national security, thus he was sentenced to two years imprisonment

and a fine of 4 million Tomans (equivalent to about 150 USD) for other crimes. Considering Mr. Derafshan's decent behavior in prison and in order to grant legal remedies under Article 58 of the Islamic Penal Code, the Court accepted his parole request and he was granted release on parole on September 13, 2021.

Claims were made that Mr. Derafshan was unable to defend himself in court due to the amputation of his tongue. Such a claim is a complete fabrication and there is no evidence to support it. The defendant did not mention any interruptions or swelling of the tongue either during the initial examinations or in the subsequent referrals to the prison health service, and his defense in the trial file indicates that this information was counterfeit.

In the letter of Special Rapporteurs a claim was made that Mr. Derafshan was not granted leave until his sentence was finalized, despite his deteriorating physical condition which was confirmed by the Legal Medicine Organization. This claim is not true since during the mentioned period, in accordance with Article 502 of the Code of Criminal Procedure, he was sent on medical leave for 30 days to continue his treatment. In addition, after the verdict was upheld and during his imprisonment, he was granted 21 leave permission (350 days in total), taking into account the view of the Legal Medicine Organization and Article 194 of the Law on the Executive Regulations of the Prisons Organization. In other words, he has been in detention for less than 3 months from the date of his arrest on June 8, 2020 until his release on September 13, 2021.

Forced injections and threats or beatings by prison agents are nothing more than false claims. The defendant has not mentioned such a thing in any of his medical visits to medical centers and medical check-ups, and no complaint or evidence was found to support the claim that he was forcibly injected. An examination of his clinical and judicial record shows that the allegations, including lack of access to medical care, beatings, amputations, forced injections, intimidation by prison agents, or unfavorable conditions of detention place, are merely the product of a delusional mind of news agencies hostile to the country.

Moreover, confiscation of computer, short-term detention of the accused in solitary confinement and denial of access to a lawyer for just several days or lack of contact with out-of-prison during the initial investigation are legal matters and

within the relevant criteria to complete the investigation or prevent collusion of the accused to destroy documents or evidences of the crime.