



*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. 2050/1105603

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 36/2021 dated 24 January 2022 concerning **Mr. Amir Hossein Hatami and Mr. Shahin Nasser**i, 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, 9 March 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. Amir Hossein Hatami and Mr. Shahin Nasseri**

In reference to communication received from the Special Procedure's Mandate-Holders pertaining to the deaths of 72 prisoners in custody, and as per the notification received from the relevant judicial authorities, facts enumerated hereinunder are presented for any necessary action thereof.

The recent media hype using the code name of "deaths in State custody" comes from unsubstantiated and groundless fabrications made by certain media outlets affiliated to governments hostile to the Islamic Republic of Iran. Allegations suggesting the deaths of prisoners in State custody due to torture, mistreatment or denial of medical care come from the propaganda campaign and media hype against the Islamic Republic of Iran, in order to distract the international community's attention away from the undeniable facts on the ground in the Guantanamo Bay detention camp, the Abu Ghraib prison, and dozens of notorious assassination and torture camps belonging to the United States and its allies. The unreliability of allegations and claims of such nature has already been proven on multiple occasions. As per the investigations into the individuals referred to a report churned out by Amnesty International, be advised that some of them do not even exist at all. Only a few of those listed in Amnesty International's report, all of whom were either armed smugglers or members of terrorist groups, were killed during armed clashes with police or border guards. In fact, these individuals had never been in police custody.

Some of the names refer to those who died of disease while receiving medical treatment outside prison. The assessments produced following autopsy along with the results of lab tests are emblematic of the fact that they had never been mistreated. However, claims made by family members thereof have been thoroughly investigated by the relevant judicial authorities. A number of these individuals have died of drug poisoning and abuse, with some of them committing suicide, proof of which has been produced by the Legal Medicine Organization and is available. Officers in charge of monitoring and surveillance have been investigated for negligence – it proves the determination of the Judiciary to investigate any possible violations. What is ridiculously interesting is the mentioning of individuals who are either released or imprisoned and alive as those who lost their lives in custody.

Allegations suggesting hygiene deficiencies in prisons are totally in contradiction with the existing facts on the ground which point to provision of comprehensive services to the prisoners as well as historical positive results such as the zero-mortality rate among inmates during the COVID-19 pandemic. The convicts, irrespective of the nature of the charges and category thereof, enjoy unhindered, quick and round-the-clock access to healthcare facility and prison's doctor. Furthermore, in case of insufficient specialized equipment and facilities for treatment of patients in prison, Article 137 of the Executive Bylaw of the State Prisons and Security and Corrective Measures Organization, enacted in 2020, he may be moved out of prison at any time of day and night.

Allegations suggesting torture and use of excessive force against prisoners by bailiffs and prison staffs are devoid of any standing. On the strength of Article 38 of the Constitution, torture is strictly prohibited. Furthermore, by virtue of Articles 570, 578, 579 and 587 of the Islamic Penal Code, perpetrators of such crimes shall severely be punished. In addition, in accordance with Paragraph 15 of the Executive Instruction of the Single Article of the Law on Respect for Legitimate Freedoms and Protection of Citizenship, the Central Supervisory Board for the Protection of Citizenship Rights, in cooperation with the provincial supervisory boards, is obliged to conduct the necessary monitoring and inspections, and take necessary legal action in response to any violation or commission of a crime in this regard. All detention centers across the country are under the constant supervision in the form of regular and unannounced visits by an independent judicial authority.

Magnification of certain issues by the mandate-holders have caused them to distance from principles of fairness and impartiality, and is in violation of the Code

of Conduct for Special Procedures Mandate-Holders of the Human Rights Council. Referring to videos recorded by closed-circuit television cameras in the public wards of Evin prison, they have reached an erroneous conclusion that prison guards beat and maltreat prisoners. Such an invalid and unjust inference is completely incorrect and emblematic of blatant bias creeping in the report. The images were in fact retrieved from archives stored to support an already-ongoing inquiry into the misconduct of some prison staff and bailiffs, all of which had been investigated months prior to publication of videos.

With regards to allegations suggesting that Shahin Nasserri and Amirhossein Hatami have died in custody, be advised that:

Shahin Nasserri was sentenced to seven years imprisonment and restitution on charges of a) complicity in computer fraud, b) theft, forgery and use of instrument. On 18 September 2018, the aforesaid was introduced to general ward of Adelabad prison in the city of Shiraz to serve the sentence. Pursuant to Note 3 of Article 513 of the Code of Criminal Procedure, due to the fact that family thereof lives in Tehran, the abovenamed was transferred to the Greater Tehran Penitentiary on 12 November 2020. On 21 September 2021 at 09:30, the abovenamed announced that he needed to rest and sleep in his room while watching TV with his cellmates. About an hour later, his roommates noticed his deteriorating condition by hearing the sounds of a troublesome snore, after which the aforesaid was transferred to the prison's health center wherein an emergency medicine specialist and the prison doctor performed all necessary medical interventions and cardiopulmonary resuscitation for 45 minutes. The aforesaid was unfortunately pronounced dead at 12:10 despite all the efforts. The body of the deceased was thereafter handed over to the Legal Medicine Organization to determine the cause of death. The assessments produced following an autopsy along with the results of the pathology and toxicology tests carried out by the Diagnostics and Laboratory Center of the Tehran Province Legal Medicine Organization are emblematic of the non-existence of any traces of injuries, dislocation, burn, etc. on the body of the deceased, and that the abovenamed had died due to drug poisoning, propranolol, losartan and hydroxyzine and complications thereof.

Amir Hossein Hatami was sentenced by the Court to one year imprisonment and restitution on charges of complicity in snatch theft, and was introduced to the Greater Tehran Penitentiary on 15 September 2021 to serve punishment meted out thereto. Pursuant to Article 54 of the Executive Bylaws of the State Prisons and

Security and Corrective Measures Organization, the aforesaid was thoroughly examined to ensure health condition thereof upon admittance to prison, the result of which is written in relevant forms. The aforesaid had obvious traces of previously-sustained injuries including on head, chest, left hand and body, as well as a history of heroin addiction and a respiratory disease. During the screening on 19 September 2021, the aforesaid complained of pain in the chest and right arm, after which the abovenamed was referred to the prison health center in order to receive medical treatment. The aforesaid was once again referred to the prison health center two days later on 21 September 2021 by the screening team with the same symptoms. A general practitioner then referred the abovenamed to an emergency medicine specialist to be quarantined for further health supervision and receiving necessary treatment. The aforesaid withdrew from the treatment in writing. According to investigations, the deceased was handed over to the prison health center at 14:25 on 22 September 2021 due to cardiac arrest. Despite all necessary medical interventions and cardiopulmonary resuscitation, the aforesaid was unfortunately pronounced dead at 15:00 on 22 September 2021.