



*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. 2050/1221023

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 1/2022 dated 2 February 2022 concerning **Mr. Baktash Abtin**, 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 considerations.



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Islamic Republic of Iran

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. Baktash Abtin

(Joint Communication AL IRN 1/2022, dated 2 February 2022)

- Mr. Mehdi Kazemi, also known as Baktash Abtin, was summoned by court order in compliance with all the rules of civil rights. The legal basis for his arrest and conviction is Articles 499, 500, and 610 of the Islamic Penal Code. Therefore, the claim that he has been deprived of his civil liberty without a sufficient legal basis predicated in domestic and international law is entirely unfounded.

- he was arrested, charged and convicted of committing crimes subject to punishments enumerated in the Islamic Penal Code. Those charges include supporting the MEK terrorist group, supporting terrorist bombers, supporting notorious convicts, supporting the street riots, and organizing illegal rallies. Concordantly, the claim of conviction and detention for exercising the fundamental rights and freedoms enshrined in international human rights law does not apply to his case.

- According to the investigations, there is no evidence for the alleged torture of the accused. Based on the forensic medical findings, no traces of torture were observed, indicating no ill-treatment during detention and imprisonment. In addition, the Court of Appeals has reconsidered the verdict in the presence of different judges. Therefore, the claim that the accused was deprived of the right to a fair trial in accordance with international human rights law is also false and contrary to documented facts.

- In Iran, no one is prosecuted simply for having a belief or belonging to a particular class, group, religion, or ethnicity. Concordantly, no transgression is disregarded simply because the person in question belongs to a particular group. Therefore, the descriptions mentioned in the correspondence of the working group regarding the mentioned person, such as a poet, writer, filmmaker, or any other title, will be neither a reason for persecution nor an excuse to avoid the application of the law.

- In relation to the allegations concerning the coronary heart disease and the death of Mr. Abtin, it should be noted that:

1. After the coronavirus outbreak in all prisons of the Islamic Republic of Iran, hygienic standards and protocols are strictly observed. Diagnostic tests are taken from those suspected to be infected in quarantined zones. Even now, after the clients return from leave or are sent to hospitals outside the penitentiary, they are quarantined in the specialized area in order to be examined by medical doctors to ensure the health of all who reside in the prisons. According to the case file documents, all protocols mentioned above were observed during Mr. Abtin's imprisonment.

2. He enjoyed 31 face-to-face and glass cabin visits with his wife and lawyer brother. The aforementioned also took 17 days on furlough during his detention. At the beginning of his arrival, his health profile was compiled by the doctors inside the prison who examined him. His medical records mentioned lung disease (severe sleep apnea), herpes zoster infection, and a case of urology disease, which the relevant specialists had begun the treatment process. In addition to quick and easy access to the medical services of the detention center, he was sent to clinics outside the prison on several occasions.

3. According to the documents, Mr. Abtin was referred to Andarzagah Medical Center at 13:30 on Sunday, December 5th 2021, due to acute sinusitis and colds. He was visited by a doctor and treated accordingly. A PCR test was taken, the result of which was negative. He was advised to return to the clinic after 3 days. Subsequently, at 21:20 on Monday, December 6th, he went to the health center and was examined and treated. According to the documents attached to the medical file: "The general health condition is good. He announces that he has been suffering from

fever and shortness of breath for some time (according to himself and his companion). The result of the rapid COVID test yesterday was negative. He has erythema at the bottom of the throat and is diagnosed to be clear in the examination of the lungs. Vital signs satO₂ = 48 T = 38.2 BP = 170/90 Unfortunately, he is not allowing the treatment to proceed. He refuses to take serum and medication. The guard officer and the deputy were informed." At 22:52 on December 5th, he went to Taleghani Hospital and was admitted there. Treatment measures during the stay in Taleghani Hospital included serum therapy, oxygen therapy, antibiotic therapy, routine tests, respiratory physiotherapy, dexamethasone, and Remdesivir injections. The hospital record describes the patient's registered condition during hospitalization: "The patient's fever went away; coughs decreased; inflammatory markers decreased." On December 12th, the detention center's general director ordered the health and treatment department director to visit the prisoner in Taleghani Hospital. Mr. Abtin requests medical leave to continue his treatment in a private hospital, and if his request is not granted, he asks for his wife to be with him as a companion in the hospital. His request is granted, and he is sent on medical leave for seven days. The patient, despite the strict advice of the medical staff of Taleghani Hospital to stay and continue the treatment process, Mr. Abtin refused to stay in that hospital. With the full knowledge of the patient and his companions, he granted personal consent while fully conscious and had an oxygen level of 93, and with stable hemodynamic condition, he left the Taleghani Hospital. Unfortunately, Mr. Abtin passed away on January 9th, 2022 (26 days after discharge from Taleghani Hospital and extension of medical leave) in Sasan Private Hospital. Therefore, the allegation that he died in prison due to a lack of medical treatment is based on false premises and is contradictory to documented facts.