



*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 4/2022 dated 7 April 2022 concerning **Mr. Hassan Sadeghi and Mrs. Fatemeh Mosanna**, 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.



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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. Hassan Sadeghi and Mrs. Fatemeh Mosanna

(Joint Communication AL IRN 4/2022, dated 7 April 2022)

Pursuant to letter dated April 09, 2022 with the subject of "Special procedures letter regarding Hassan Sadeghi and Fatemeh Mosanna":

1) The said persons, who have a history of criminal convictions, have been sentenced to imprisonment due to their communication, affiliation and effective cooperation with the MKO terror group. Despite many malicious activities and committing various crimes since the revolution and despite several rounds of amnesty due to Islamic mercy and compassion, these people have continued their criminal actions.

2) As regards their physical health and their access to medical and healthcare services, these individuals, similar to other convicts and defendants and regardless of the type and title of their charges, always have easy and quick round-the-clock access to the penitentiary infirmary and physician. It is worth noting that in keeping with Article 137 of the Executive Bylaw on the Organization of Prisons as well as

the preventive and correctional regulations of the country approved in 2021, in case of lack of specialized facilities and equipment in the prison for treatment, it is possible to send the said persons to out-of-prison healthcare centers at any time of the day and night. Similar to the others, the said persons have repeatedly used these facilities, and they have been under constant supervision of a physician and have been sent to specialized treatment centers. Mr. Hassan Sadeghi has been sent to medical centers outside the prison several times upon the request of the prison infirmary, and with regard to medical care, he has not been subject to any restrictions. But in the case of the prisoner, Ms. Fatemeh Mosanna, in addition to the fact that she was sent to medical centers outside the prison when needed, following a claim by the said prisoner regarding her bowel condition, she was referred to the special commission of forensic medicine department for examination. The said commission, following investigations and specialized examinations, declared that the said person requires out-of-prison treatment, and based on the same declaration and in implementation of Article 522 of the Criminal Procedure Law approved in 2013, her sentence was suspended and she spent approximately 11 months outside the prison to follow up on her treatment.

3) With regard to visitation, Article 210 of the Regulations of the Organization of Prisons and preventive and correctional measures approved in 2021 explicitly state: "In order to preserve family relationships, fulfill the religious obligation of maintaining contact with relatives and respect the rights of the prisoner and his/her family, the institution [correctional facility] provides the necessary arrangements for the prisoner to meet his/her spouse, children, parents, siblings, as well as his/her spouse's parents. It is possible for other relatives and friends, petitioners and complainants to meet with the prisoner in a booth at the request of the said persons following the approval of the provincial director general of prisons, the judge or the head of the institution." Also, Note 2 under Article 213 of the Regulations states: "In case of infectious diseases or epidemics of digestive or respiratory nature, the head of the institution may suspend until normalization of conditions all visitations as per the opinion of the health and treatment unit and the approval of the provincial director general of prisons." Using the aforementioned provisions, the said prisoners, similar to other prisoners, have often benefited from opportunities to meet their family, friends and acquaintances, as well as their lawyers. Also, in keeping with the decree of the Tehran prosecutor, the named persons met each other in person in Evin prison, and in the course of several meetings,

they violated the rules and regulations of the prisons organization and the preventive and correctional measures; during the visitations, they were caught several times carrying prohibited items such as mobile phones. However, by recourse to preventive and correctional measures, regular visitations have continued. Nevertheless, in the last few instances, Mr. Hassan Sadeghi has announced "I will not comply with the rules of the prisons organization and wear the prison uniform, and I cancel visitations with my wife."

4) Regarding the communication of prisoners with the world outside the penal institution through telephone calls, it is stated in article 223 of the regulations of the Prisons Organization: "The head of the institution in cooperation with the telecommunications company and the local telephone center regarding the installation of a smart public telephone inside the institution and in an appropriate location so that prisoners can contact their family, relatives and lawyer based on the amount of welfare points they earn in compliance the regulations and on condition of paying the related fees. These lines of communication should be set up in such a way that at the beginning and end of the telephone conversation, the location of the caller is announced." And in Article 225 of the said Regulations, it is mentioned: "In case of a report and complaint regarding telephone harassment or any criminal act from

within the institution against complainants or judicial authorities or any other person, provided that the harassment is ascertained beyond doubt, in addition to being presented to the judicial authority, the offender will be deprived of the right to make telephone calls for two months, and in case of repetition of wrongdoing, in addition to being deprived of making telephone calls for a period of four months, after this period, his or her communication with outside world by phone will be limited to a maximum of two phone numbers of relatives and to one occasion per week. Repetition of the offense for the third time will cause a permanent ban on telephone calls until the end of the sentence, unless at the discretion of the judge and after at least one year into the 3rd stage punishment, the prisoner's compunction is ascertained, at which point his or her right to telephone calls to relatives is restored together with the restrictions of the 2nd stage of punishment." Also, paragraph H, namely "telephone harassment of witnesses, informants, suspects, judicial authorities and other persons from inside the facility" and paragraph I of Article 40, namely "keeping or using a mobile phone as well as misuse of phone cards" which are violations that may be reported to the Disciplinary Council, and as the punishment stipulated in Note 2 under Article 41, "the Disciplinary Council may, as a complementary and correctional measure, partially deprive the

offending prisoner of such things as use of sports and recreational facilities, virtual meetings, phone calls, using bank cards inside the institution, for a maximum period of one month; it can advise the Classification Council to relocate the prisoner inside the institution.” Nevertheless, it is necessary to mention a few points: First, the Organization of Prisons as well as the preventive and correctional regulations of the country have provided for measures to supply and install shared smart phones in prisons so that prisoners can, based on the amount of welfare points obtained and in compliance with the rules and regulations of the institution, contact their family, relatives and lawyer by phone at their own expense. Therefore, the granting of telephone calls to prisoners is based on the number of points collected by inmates, which is limited to contacting family members, relatives and lawyers, and these telephone calls cannot be used as a tool to commit various kinds of violations and crimes! Second, regarding the misuse of telephone calls by prisoners, in accordance with Paragraph H and I of Article 40, as well as Note 2 under Article 41 of the aforesaid regulations, the matter may be raised with the institution's disciplinary council, and in addition to the punishments provided for in article 41 of the regulations, the offending prisoners who breach the telephone call rules, may be deprived of telephone calls for a maximum period of one

month, as an additional punishment. Third, regarding the telephone-related crimes committed by prisoners, in compliance with the provisions of Article 225 of the regulations of the Prisons Organization, for the first instance, the offending inmates are deprived of telephone calls for two months, and in case of repetition (second time) they are prohibited from telephone calls for four months, and upon expiry of the prohibition, their communication with the outside world through telephone calls is limited to a maximum of two telephone calls to relatives once per week. If the violation is repeated for a third time, the offending prisoner will be permanently banned from phone calls, and after one year into the ban, at the discretion of a judge, the ban may be downgraded to the second time restrictions and on condition of the prisoner's compunction, the right to contact relatives may be restored. Nevertheless, in order to protect the family institution and maintain contact between couples, in addition to face-to-face meetings, the said persons have been in contact with each other through telephone calls, and after security and protection checks, it was determined that the said persons were using phone calls – which had been made available to them to socialize and inquire about each other's status – to spread news between prisons, to exchange views about the ideas and beliefs of the MKO terrorist group and to act as opinion-leaders of other prisoners.

5) Regarding the right to a self-appointed lawyer, it should be noted that according to the note under Article 48 of the Criminal Procedure Law approved in 2013, "with regard to crimes against internal or external security, as well as organized crime, which are punishable under Article 302 of the law, at the stage of preliminary investigation, the parties in the lawsuit choose their lawyers from among the certified attorneys-at-law who are approved by the head of the judiciary. The names of these attorneys-at-law are announced by the head of the judiciary." Also, Article 346 of the Criminal Procedure Code approved in 2013 stipulates that "in all criminal matters, the parties may introduce their own lawyer or lawyers. In case of multiple lawyers, the presence of one lawyer is sufficient for holding court hearings and proceedings. Note: for crimes that are not subject to the jurisdiction of Criminal Court 1, either party may introduce a maximum of two lawyers to the court." Also, according to Article 347 of the Criminal Procedure Law approved in 2013, "the accused may ask the court to appoint a lawyer for him before the end of the first hearing. If the court determines that the accused is financially incapable of hiring a lawyer, the court will appoint a lawyer for him from among the lawyers of the jurisdiction and, if possible, from the nearest jurisdiction. If the lawyer requests remuneration, the court will determine his fees in proportion to the actions taken, but in

any case, the amount of attorney's fees should not exceed the limits set by law. Attorney's fees are paid out of the Judiciary's funds. Note: Whenever the court deems the presence and defense of a lawyer necessary for a victim who lacks financial means, the court will act according to the provisions of this article.” Therefore, at the stage of preliminary investigation, the accused must choose a lawyer from among the certified lawyers approved by the head of the judiciary, and at the stage of court proceedings, there are no restrictions on choosing a lawyer, and if it is ascertained that the accused is not financially capable of hiring a lawyer, the court appoints a lawyer for him. In addition, all cases of arrest and judicial proceedings until the issuance of the ultimate verdict in Iran's legal system are in accordance with the relevant legal and religious laws in accordance with Islamic Sharia and the Constitution of the Islamic Republic of Iran, and proving their guilt is explicitly in accordance with articles 286 and 288 of the Islamic Penal Code approved in 2013, and the aforesaid persons have been convicted of the mentioned crimes and sentenced accordingly.

6) Regarding the seizure and confiscation of property acquired through illegal means, according to Article 49 of the Constitution of the Islamic Republic of Iran as well as the law on implementing the said article, all cases of seizure and confiscation relating to the said persons are in

accordance with the laws of the Islamic Republic of Iran and there are no violations in this regard. In addition, the judicial system of the Islamic Republic of Iran has previously shown mercy to Mr. Hassan Sadeghi and has restored his right to the estate of his father, who was an MKO leader. But Mr. Hassan Sadeghi committed another crime and used his property and assets to harm the Islamic Republic of Iran, and he obtained all his assets illegally and with the cooperation of MKO, which according to the aforementioned laws, confiscation of such property lies within the purview the laws on condition of not imposing undue hardship as determined on the discretion of a judge.