



*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. 2050/1263291

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. UA IRN 9/2022 dated 12 May 2022 concerning **Mr. Ahmadsreza Jalali and Mr. Farhad Meisami**, 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. Ahmadreza Jalali and Mr. Farhad Meisami

(UA IRN 9/2022, dated 12 May 2022)

A) Mr. Ahmadreza Jalali

Mr. Ahmadreza Jalali was arrested and convicted because of such actions as communication and cooperation with the enemy's intelligence service (Mossad) for financial gains (approximately 250 thousand euros) as well as securing citizenship of a European country; releasing information about certain sensitive centers; cooperating with Mossad in the assassination of nuclear scientists (including Ali Mohammadi and Shahriari) by providing detailed information about professional, personal and other schedules; disclosing the country's classified and confidential technical and security information to hostile foreign intelligence services (Mossad), etc., all of which are documented with proof and evidence, including confessions. The charges included: 1- "Espionage for the enemy's intelligence service," and 2- "Acting against the security of the country through cooperation with hostile governments".

Charges and Arrest:

The said person was arrested in Tehran on April 25, 2016 on a judicial warrant while observing all the regulations and his citizenship rights, and considering his appearance before the judicial authority, all his rights, including the right to a lawyer, the right to remain silent, etc. as per Articles 190, 194, 195 and 199 of the

Criminal Procedure Law were recited and clarified to him; subsequently, his charge of cooperation with hostile governments were explained to him, and in compliance with the regulations, a temporary detention injunction for the said person was issued and he was placed under surveillance. In the first hours of the arrest, his family was informed of the arrest, his whereabouts, the reason for the arrest and the charges.

Following an objection to the temporary detention injunction by the aforesaid person, a hearing was arranged in a multi-judge court and based on the documents, the injunction was upheld; thus far, his temporary detention injunctions have been extended within legal deadlines.

According to the documents, which conform to the confessions of the said person during the investigation process at the prosecutor's office, as well as the details Jalali disclosed about his criminal activities, he provided the names of 30 prominent nuclear scientists to the Israeli intelligence service, as a result of which, two Iranian nuclear scientists (Shahriari and Ali Mohammadi) were martyred by Mossad agents. Jalali received about 250,000 euros from Mossad in exchange for the services he had rendered.

Defendant's Rights:

The investigation about the accused was carried out by a judicial officer, with the permission and supervision of the judicial authorities, while observing his citizenship rights, and the result of the investigation was reported on a weekly basis to the judge of the case. This means that the issuance of the arrest warrant and the supervision over his arrest and questioning were done entirely under the supervision of the investigation judge. During the investigation, Jalali was granted all his entitlements, and in the first month of his detention alone, he had 16 meetings with the judge and 9 visitations; he was also provided with the opportunity to call his family and relatives 35 times. In all stages of the

investigation, the investigator and the investigating judge personally questioned him and oversaw observance of all the rights of the accused. From the point the accused introduced his own lawyer, all interrogation sessions have been conducted in the presence of the lawyer, who has handed his observations and notes to the judge following the sessions.

Given the significance of the charge and with the aim of preventing release of the information provided by the accused and taking precautions against collusion (as per the case documents), Jalali has been detained intermittently on four separate judicial orders for only 22 days in a single suite (from 2016.04.25 to 2016.04.27 for 72 hours, from 2016.04.28 to 2016.05.04 for 7 days, from 2016.05.05 to 2016.05.11 for 7 days, and from 2016.05.12 to 2016.05.16 for 5 days).

During the investigation stages by the prosecutor's office and after that during the trial, the said person benefited from advice and assistance of 4 lawyers named [REDACTED]

[REDACTED] on the request of the said lawyers to meet with Jalali, the judicial authority repeatedly issued permits allowing the mentioned persons to hold face-to-face meetings with the accused. Basically, in such cases, absence of advocates prevents due judicial process.

Issuance of Sentence:

At the end of the investigation and following the issuance of an indictment, the said person's case was sent to the court. During the court hearing, Mr. Jalali introduced his lawyer, [REDACTED] to the court, and on May 27, 2017, details of the case were revealed to him for study. On June 10, 2017, he declared in writing that he had fully perused the case. Subsequently, in addition to his courtroom defense, the lawyer submitted a 21-page defense (it should be noted that the defendant also submitted a 20-page defense enclosed with 220 pages of supporting documents).

On Oct. 02, 2017, having examined the defenses and documents of the case, as per Article 286 of Islamic Penal Code (which in essence stipulates that anyone who commits crimes against internal or external security of the country on a large scale in such a way as to cause serious disruption in public order and insecurity or inflict major damage, they are guilty of corruption on earth and sentenced to death), the court proceeded to issue a verdict. It is worth noting that in the presence of his lawyers and in the court hearing, the accused used his right to reject the accusations and the lawyers, in addition to oral statements, presented their defenses in 21 pages. The verdict, which was issued on Oct. 18, 2017, was communicated to the lawyer and he contested the court's decision on Nov. 05, 2017 and filed an appeal within the legal deadline of 20 days. He enclosed with the file the reasons for his objections in a 19-page document, which was subsequently sent to the Supreme Court. Having examined the documents and defenses, the Supreme Court did not find any reason to reverse the verdict; therefore, on Dec. 02, 2017, it upheld the issued verdict. In terms of the length of the proceedings, from the start of the trial to the issuance of the verdict, about one year and seven months was spent on processing the case. It is necessary to explain that the Supreme Court is the appeal authority for severe crimes/sentences such as murder and life imprisonment, but for less serious crimes, provincial appellate courts are in charge of processing requests for appeal.

Incarceration Conditions:

The said person was incarcerated in a hall consisting of 5 rooms with a nominal capacity of 98 inmates, in which 45 inmates are held. This means that every prisoner enjoys approximately twice the standard space assigned to inmates. The hall has 5 showers and 5 bathrooms with decent sanitary conditions, and all prisoners can access them 24 hours a day. The hall is fitted with 4 card phones and prisoners can make calls during the day. The inmates in this hall, including

Ahmadreza Jalali, have access to a store, library, widely circulated newspapers, outdoor walks as well as cabin and face-to-face meetings. Every day, the prison doctor examines sick inmates for 2 hours and provides treatments for the diagnosed conditions.

Jalali has had 25 meetings with his lawyer and 43 in-person and cabin visitations with family members. He has had 32 visits to Evin Prison's infirmary, where he was examined by general and specialist physicians and received medications to treat his medical complaints. In order to complete the treatment process, on the discretion of prison doctors, he has been sent to out-of-prison treatment centers on 24 occasions.

Other Remarks

In keeping with Article 38 of the Constitution, in the Islamic Republic of Iran, torture is prohibited in all its shapes and forms, and according to Articles 570, 578, 579 and 587 of Islamic Penal Code and the clauses under the Single Article of the Law on Respecting Legitimate Freedoms and Safeguarding Citizenship Rights, the perpetrators and other wrongdoers shall be severely punished. In the case of Jalali, while declining the allegation of any mistreatment, it is declared that in addition to the accused's clear confession of cooperating with Mossad in assassinating Iran's nuclear scientists, other convincing documents and evidence indicate that he had committed criminal acts. Therefore, in addition to his confessions, the charges against him have been proven to the judge based on the existing documents.

Likewise, the claim that Jalali's arrest and conviction were arbitrary is incorrect. First, the issuing of the arrest warrant for the accused by the judicial authority on the basis of the incriminating documents, showing the arrest warrant to the accused and explaining the charge in the first 24 hours of arrest in accordance with Article 9 of the International Covenant on Civil and Political Rights all point to the fact that his rights have been observed meticulously. Therefore, "in domestic and

international laws, there was sufficient legal bases to justify the deprivation of the individual of his freedom." Second, the accused has been tried according to the law by a competent court in the presence of a lawyer coupled with access to the contents of the case, and the accused was provided with the opportunity to present a detailed written defense; the steps have been in compliance with procedural rules, including proceedings in the court of first instance and the Supreme Court, as per Article 14 of the Covenant, and he was given "the right to enjoy a fair and just trial in accordance with international human rights regulations".

B) Mr. Farhad Meisami

On July 31, 2018, Mr. Farhad Meisami was arrested and tried over charges of desecrating Islam through encouraging women to remove their hijab in the streets and carrying out propaganda activities against the Islamic Republic of Iran.

The said person has been suffering from ulcerative colitis for almost 20 years and has been taking Mesalamine 500 (Asacol) tablets, and the prison infirmary has so far provided the medicine for him despite the difficulty of supplying it. Therefore, contrary to the claims, maximum medical attention has been given to him, and currently his physical condition is acceptable.

Regarding the issue of the hunger strike of the prisoner mentioned in the correspondence, we point out that any type of strike or mass protest, regardless of the reason, is prohibited as a disciplinary violation in accordance with articles 40 and 115 of the Executive Bylaw of the Organization of Prisons as well as the preventive and correctional regulations of the country approved in 2021. In principle, any violation deserves certain punishments limited to a certain timeframe, which are determined by the prison disciplinary council according to articles 38 and 41 of the regulations. In addition, according to Article 145, "Prisoners who have gone on any kind of strike, on the discretion of the head of the institution (prison), are immediately isolated from other prisoners, and in addition

to an immediate report, the details are notified to the executive judge of the health and treatment unit of the institution in order to examine and protect the prisoners' physical and psychological health according to the instructions of the organization's health and treatment office, the prisoners are placed under surveillance." It should be noted that the said person ended his hunger strike on June 12, 2022.

Furthermore, as regards the granting of temporary release to the said prisoner, as per the provisions of the Criminal Procedure Law of 2013 on granting prison leave to security convicts, there are specific rules that are detailed in Article 520 of the Law and Note 4 thereof. Therefore, any prisoner who does not meet the required conditions shall not be entitled to temporary release from prison, and this is in full compliance with the laws.