



*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 communication No. UA IRN 8/2003 dated 18 May 2023 concerning Messrs. **Majid KAZEMI**, **Saeed YAGHOUBI**, and **Saleh MIRHASHEMI**, 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, 20 June 2023



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Criminal Actions Perpetrated by “Isfahan House” Terrorists: An Overview

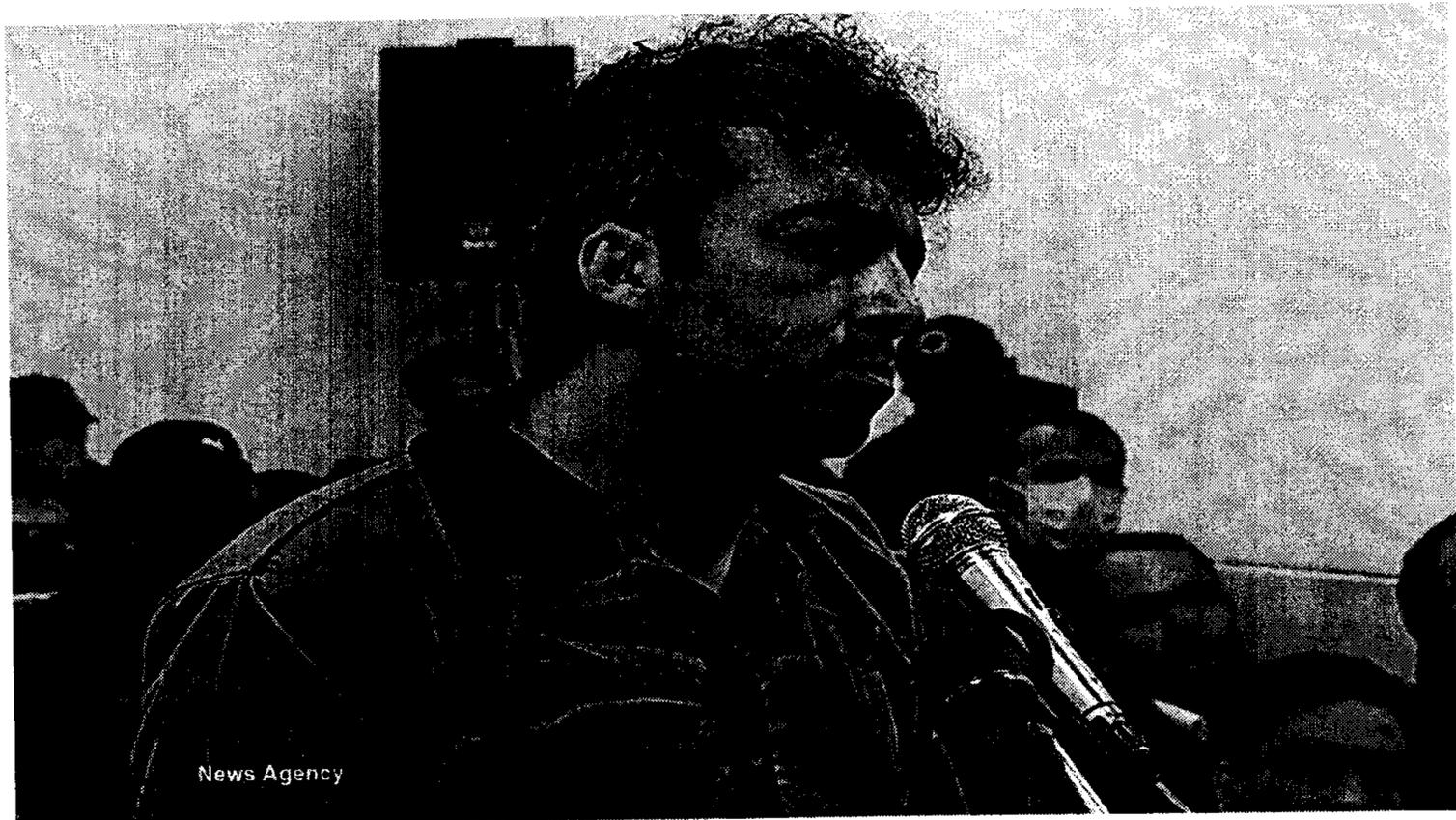
On 16 November 2022, three security defenders named Ismail Cheraghi, Mohsen Hamidi, and Mohammad Karimi were martyred following an armed terrorist attack in the Negahbani square of the Khaneh neighborhood of Isfahan, hereinafter referred to as the Isfahan House. The perpetrators of this attack, with prior coordination with each other, committed a terrorist act and started shooting to kill people and agents. The terrorist operation also left several people and security forces injured. After the shooters were arrested and the indictment was issued thereagainst, hearing sessions for six defendants were held in the Isfahan Province Justice Administration. During the hearing sessions, four of the defendants had appointed lawyers, and two of them used legal facilities due to the lack of introduction of an appointed legal counsel and were therefore offered court-appointed attorneys. Verdicts were pronounced after holding the hearings, examining the documents, and obtaining the defenses provided by the defendants and lawyers thereof. Based on the rulings issued, Saleh Mirhashemi Baltaghi, son of Kazem, the prime suspect (on charges of *moharebeh* by brandishing a sidearm in public, forming and managing a criminal gang and group to disrupt the security of the State and society, collusion leading to crimes against internal security and membership and cooperation with the Monafeqeen terrorists); Majid Kazemi Sheikh-Shabani, son of Mohammad Reza, the second defendant (on charges of *moharebeh* by pulling a Kalashnikov and membership in illegal gangs and groups to disrupt the security of the State and society and collusion leading to crimes against internal security); Saeed Yaqoubi Kordsofla, son of Karam Ali, the third defendant (on charges of *moharebeh* by drawing a sidearm, membership in illegal gangs and groups to disrupt the security of the State and society, and collusion leading to crimes against the internal security) were all sentenced to death. According to the evidence and documents in the case and the explicit confessions of the defendants, the shootings by the three aforementioned led to the martyrdom of three security forces in Isfahan. Moreover, prison sentences were issued for the other defendants in the case, and one of the accused was acquitted of the charges. After the defendants objected to the verdicts, the initial rulings were re-examined in the Supreme Court, and according to the relevant documents, the death sentence pronounced thereagainst was ultimately upheld. As stated in the ruling issued by the Supreme Court: Given the shooting of law enforcement and security officers with firearms such as sidearms and a Kalashnikov which led to the martyrdom of three people, considering that they had the intention of subverting the Establishment of the Islamic Republic of Iran, and given that they were the leader of the riots, and since they were in direct contact with one of the primary agents of the Monafeqeen terrorists

outside the Country and communicated the directives to others, the appeal lodged by the appellants against the charge of *moharebeh* is rejected.

A Review of Court Proceedings

As per the documents and the explicit statements of the accused, they were in contact with the Monafeqeen terrorist group, carrying out their terrorist actions based upon the directives issued by the said terrorist group.

Concerning his connection with the Monafeqeen terrorist group, Saleh Mirhashemi Baltaghi stated: "A page called *Bibaak* sent me a message, asking if I was willing to cooperate with them. After that, I identified for and sent several points to inform the Monafeqeen [terrorists], including the Lemjir seminary, an IRGC base in the Isfahan House, and a Basij base. I sent their addresses via Telegram and announced I was armed."



The accused made Molotov cocktails with his accomplices in a stable and sent pictures of the crude bombs to one of the agents of the Monafeqeen terrorists. With regards to the contact with the agents of the Monafeqeen terrorists, Mirhashmi acknowledged: "We are an armed team of five. We don't need anyone in terms of finances and support." According to the merits of the case, the abovenamed also sent pictures from the Isfahan House to Monfaqeen terrorist organization. He admitted to having bought a sidearm with bullets and an extra magazine for IRR 83,000,000 back in 2021 in Kordestan. The said person further stated in his express confessions that he picked up four tire rings from Hassan Nafti's land, went to the Negahbani square in the Isfahan House,

threw them in the middle of the street, and started shouting slogans. He also confessed that Majid Kazemi Sheikh-Shabani, another convict in the case, entered the scene with a Kalashnikov from a plot of land adjacent to Qarz al-Hassneh and started shooting.

Defendants' Defenses in Court Sessions

Referring to the night of the shooting, which led to the martyrdom of three security guards, Mirhashmi said: "On the night of the incident, when Majid Kazemi Sheikh-Shabani started shooting, I stood up to him and said it was crowded. There was a lot of noise, and he did not hear what I said. I started running when I noticed someone shooting at martyr Ismaili from behind with a sidearm." He added: "When the officers arrived, Majid [Kazemi Sheikh-Shabani] was still shooting. I saw a person from behind who started shooting, his face was covered, but he looked like Saeed Yaqoubi Kordsofla in terms of body and appearance."

Discovery of Weapons from Defendants During Arrest

After receiving the defenses provided by the convicts in question and their lawyers, the accusations faced by the second defendant, Majid Kazemi Sheikh-Shabani, were examined. According to the Prosecutor's representative, during the riots that led to the martyrdom of three security guards, the foregoing person shot at the officers with a Kalashnikov.



In his defenses about the weapon he carried on the night of the incident, Majid Kazemi Sheikh-Shabani said: "During the arrest, the Kalashnikov and sidearm given to me by Saeed [Yaqoubi Kordsofla] were discovered in the

stable.” Asked by the judge whether he accepted the charge of buying and selling weapons, he said: “I bought a Kalashnikov.”

“It is all up with me – I gotta kill everyone!”

Saeed Yaqoubi Kordsofla, the third defendant, explained the details of the incident in the Court as such: “I was at home on the night of the riots when Saleh [Mirhashemi Baltaghi] called and asked me to go to the Negahbani square in the Isfahan House. I was on the way and called Majid [Kazemi Sheikh-Shabani], who was also going there. The riots had started when I arrived. I saw Soheil and Saleh there. Less than 100 people were in the thick of the riots, and 200 others were watching. At the same time, the officers arrived, and I saw Majid opening fire at them from the lot. Majid had placed the gun on a car and was shooting.”



He added: “After the incident, we went to a barbecue shop with Majid. There, Majid asked me to film him. During the filming, the barbecue shop owner saw us and probably heard what Majid said. Majid asked me to leave and take him somewhere to buy bullets. Majid said he had already killed a few people. He said it was all up for him, so he gotta kill everyone.”

On the strength of the facts enumerated hereinunder, the Court sentenced the aforementioned defendants to the death penalty:

1. The report of judicial officials suggests that several rioters used weapons of war, including sidearms and Kalashnikov, and shot with weapons at security guards, special forces, and Basij agents;

2. The express confessions made by the defendants at different stages of the preliminary investigations and before the examining magistrate during public hearing sessions;
3. The way the defendants were arrested, as most of them wanted to run away. One of the accused (Majid Kazemi Sheikh-Shabani) was escaping to Turkey;
4. The statements of the witnesses and police officers who were present at the scene of the incident, in which Molotov cocktails and firecrackers were thrown at them by the rioters, and shots were fired, leading to the martyrdom of three of security defenders;
5. The discovery of cartridges of bullets fired from the Kalashnikov and sidearms at the *locus delicti* on 16 November 2022;
6. The statements of the defendants and the officers present in the Negahbani square and the scene of the incident which suggest that there were three weapons (a Kalashnikov and two sidearms) and that repeated and successive shots were heard;
7. The regularly exchanged text messages between Saeed Yaqoubi Kordsofla and Majid Kazemi Sheikh-Shabani's brother regarding the absence of fingerprints on the cartridges and the impossibility of finding them due to their small size;
8. The statements of other defendants and the evidence in the case suggest that the rioters had covered their faces with masks and that one person was shooting from a plot of land adjacent to the Qarz al-Hassaneh bank. Some of the accused stated that Saeed Yaqoubi Kordsofla was there at that moment and that another person was shooting with a sidearm at a distance with Majid Kazemi Sheikh-Shabani, who was firing with his Kalashnikov. According to the investigations, the sidearms belonged to Saleh Mirhashemi Baltaghi;
9. The minutes of the discovery of a Kalashnikov and one sidearm belonging to Majid Kazemi Sheikh-Shabani and Saeed Yaqoubi Kordsofla. The other sidearm with which Saleh Mirhashemi Baltaghi fired shots was not found, given that it was removed from the place by a relative;
10. The statements of some of the defendants and officers suggest that the criminal actions taken have caused panic and fear among the public and shopkeepers, forcing them to run away;
11. The statements of the defendants and witnesses indicate that the three accused were armed at the time of the incident;
12. The statements made by Saleh Mirhashemi Baltaghi during the family meeting suggest that Saeed Yaqoubi Kordsofla had a sidearm with which he fired shots;

13. The report of the examination of the martyrs' bodies proves that an accelerated projectile was the cause of death;
14. The report prepared by the weapons and ammunition expert indicates that the martyrs were gunned down by a Kalashnikov;
15. The expert opinions presented by the Legal Medicine Organization, which conducted a psychiatric examination on all the defendants, stated: "At the time of committing the crime, all the accused were of sound mind, and [aware that they must bear] responsibility for their actions and behavior. It shows that they were alert and of sound mind at the time of the incident.";
16. The text messages sent between Saleh Mirhashemi Baltaghi and one of the agents of the Munfeqeen terrorist group as well as preparing and sending films;
17. The minutes of the reconstruction of the *locus delicti* and the presence of the accused in the shooting that took place at the scene of the incident and the preparation of footage and documents seen by this Court; and
18. The digital documents and evidence, including the footage taken from Majid Kazemi Sheikh-Shabani by the other accused, who admitted to having opened fire at the officers, as well as the text messages sent between the defendant and videos sent by Saeed Yaqoubi Kordsofla regarding the purchase of sidearms.

Most Serious Crimes Defined by International Standards

Concerning the right to life, Paragraph 2 of Article 6 of the International Covenant on Civil and Political Rights states: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court."

Therefore, according to the International Covenant on Civil and Political Rights, the death penalty has not been declared absolutely prohibited, and it is permitted if the following conditions are met:

- The death penalty shall be limited to the "most serious crimes";
- Conviction and punishment for serious crimes shall be based upon the law at the time of committing the offense;
- The aforementioned laws shall not be in contradiction with the said Covenant and the Convention on the Prevention and Punishment of the Crime of Genocide; and

- The death sentence shall be a definitive verdict issued by a competent court.

With regards to the compliance of the aforementioned conditions with the present case, be advised that according to the explanations provided, the offense committed by the aforesaid convicts is considered one of the examples of terrorist crimes in a way that had endangered the lives of people and jeopardized public order and security. Few international lawyers and experts would disagree with the fact that terrorist crimes are among the instances of “the most serious crimes”. The second condition referred to in Paragraph 2 of Article 6 of the aforesaid Covenant regarding the application of punishment based upon the law at the time of committing the offense has been fully observed in the case in question. Under no circumstances whatsoever does the judgment conflict with other provisions of the International Covenant on Civil and Political Rights and the Convention on the Prevention and Punishment of the Crime of Genocide. On the other hand, the fourth condition regarding the issuance of the judgment by the competent Court, as explained hereinabove, has been strictly observed in this case.

Therefore, based upon the explanations provided hereinabove, it can be concluded that the judgment pronounced against the convicts and the execution of punishment meted out thereto are both in full compliance with the laws and regulations of the Islamic Republic of Iran as well as the Country’s international obligations, including those under the International Covenant on Civil and Political Rights.